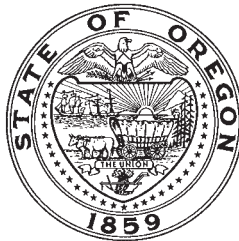


OREGON BULLETIN

Supplements the 2014 *Oregon Administrative Rules Compilation*

Volume 53, No. 9
September 1, 2014

For July 16, 2014–August 15, 2014



Published by
KATE BROWN
Secretary of State
Copyright 2014 Oregon Secretary of State

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.

© January 1, 2014 Oregon Secretary of State. All rights reserved. Reproduction in whole or in part without written permission is prohibited.

TABLE OF CONTENTS

	<i>Page</i>
Information About Administrative Rules	2
Table of Contents	3
Executive Orders	4–6
Other Notices	7–11
Notices of Proposed Rulemaking Hearings/Notices	
The citations and statements required by ORS 183.335(2)(b)(A)–(D) have been filed with and are available from the Secretary of State.	
Board of Examiners for Speech-Language Pathology and Audiology, Chapter 335	12
Board of Nursing, Chapter 851	12
Board of Pharmacy, Chapter 855	12
Board of Psychologist Examiners, Chapter 858	12, 13
Department of Agriculture, Oregon Dairy Products Commission, Chapter 617	13
Department of Consumer and Business Services, Director’s Office, Chapter 440	13
Division of Finance and Corporate Securities, Chapter 441	13
Insurance Division, Chapter 836	14
Oregon Occupational Safety and Health Division, Chapter 437	14
Department of Energy, Chapter 330	14, 15
Department of Fish and Wildlife, Chapter 635	15
Department of Human Services, Aging and People with Disabilities and Developmental Disabilities, Chapter 411	15, 16
Department of Public Safety Standards and Training, Chapter 259	16
Department of State Lands, Chapter 141	16
Department of Transportation, Driver and Motor Vehicle Services Division, Chapter 735	16, 17
Health Licensing Office, Chapter 331	17
Health Licensing Office, Behavior Analysis Regulatory Board, Chapter 824	17
Landscape Contractors Board, Chapter 808	17, 18
Oregon Health Authority, Addictions and Mental Health Division: Mental Health Services, Chapter 309	18
Division of Medical Assistance Programs, Chapter 410	18, 19
Oregon Educators Benefit Board, Chapter 111	19, 20
Public Health Division, Chapter 333	20, 21
Oregon Housing and Community Services Department, Chapter 813	21, 22
Oregon Military Department, Office of Emergency Management, Chapter 104	22
Public Utility Commission, Chapter 860	22
Teacher Standards and Practices Commission, Chapter 584	22, 23
Veterinary Medical Examining Board, Chapter 875	23
Water Resources Department, Chapter 690	23, 24
Administrative Rules	
The citations and statements required by ORS 183.335(2)(b)(A)–(D) have been filed with and are available from the Secretary of State.	
Board of Architect Examiners, Chapter 806	25, 26
Board of Chiropractic Examiners, Chapter 811	26–28
Board of Examiners for Engineering and Land Surveying, Chapter 820	28–31
Board of Licensed Social Workers, Chapter 877	31, 32
Board of Parole and Post-Prison Supervision, Chapter 255	32, 33
Department of Agriculture, Chapter 603	33–35
Department of Agriculture, Oregon Sheep Commission, Chapter 644	35
Department of Community Colleges and Workforce Development, Chapter 589	35–41
Department of Consumer and Business Services, Insurance Division, Chapter 836	41–44
Oregon Occupational Safety and Health Division, Chapter 437	44–53
Workers’ Compensation Division, Chapter 436	53–62
Department of Fish and Wildlife, Chapter 635	62–95
Department of Human Services, Child Welfare Programs, Chapter 413	95–106
Self-Sufficiency Programs, Chapter 461	106–110
Department of Public Safety Standards and Training, Chapter 259	110–129
Department of Revenue, Chapter 150	129–143
Department of State Lands, Chapter 141	143–155
Department of State Police, Oregon State Athletic Commission, Chapter 230	155, 156
Higher Education Coordinating Commission, Office of Degree Authorization, Chapter 583	156–172
Land Conservation and Development Department, Chapter 660	172–180
Oregon Department of Education, Early Learning Division, Chapter 414	180–189
Oregon Health Authority, Division of Medical Assistance Programs, Chapter 410	189–202
Oregon Educators Benefit Board, Chapter 111	203, 204
Public Health Division, Chapter 333	204–224
Oregon Liquor Control Commission, Chapter 845	224, 225
Oregon Public Employees Retirement System, Chapter 459	225–231
Oregon State Treasury, Chapter 170	231, 232
Oregon University System, Western Oregon University, Chapter 574	232
Oregon Watershed Enhancement Board, Chapter 695	232–234
Parks and Recreation Department, Chapter 736	234, 235
Secretary of State, Archives Division, Chapter 166	235–247
Teacher Standards and Practices Commission, Chapter 584	247–258
OAR Revision Cumulative Index	259–325

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 14 - 07

PROCLAMATION OF STATE OF EMERGENCY DUE TO IMMINENT THREAT OF WILDFIRE

Pursuant to ORS 401.165, I find that the State of Oregon is in a critical fire danger situation. Much of the state is now in extreme fire danger and red flag warnings have been issued for hot, dry, windy conditions and thunderstorms. We have already experienced wildfires this season that resulted in evacuations and threatened hundreds of structures. Other parts of the country, including our neighboring states such as Washington and Idaho, continue to experience similar fires and weather. The extended forecast in Oregon calls for continued warm and dry conditions across the State, resulting in imminent threat of fire over a broad area of the State.

The Oregon Department of Forestry Incident Management Teams, along with National Interagency Teams are currently deployed in Oregon. Regional compacts are also being utilized for the deployment of specific wildland fire resources to Oregon. New and existing fire threats elevate the need for immediate access to Oregon National Guard resources including firefighting helicopters. This threat is not likely to recede in the near future. It is critically important that National Guard resources be positioned to expedite resource requests and respond effectively to these dangerous and dynamic conditions.

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

IT IS HEREBY DIRECTED AND ORDERED:

1. The Oregon Military Department through its Office of Emergency Management and the Oregon Department of Forestry is authorized to coordinate the use of personnel and equipment to perform any activity designed to prevent or mitigate loss of life or property due to wildfires in Oregon with National Guard resources. The National Guard will deploy and redeploy firefighting assets as needed throughout the remainder of the fire season based upon threat and resource shortfalls.

2. This determination of a fire emergency is statewide. It is not to be construed as a comprehensive declaration or proclamation of emergency for other purposes. It is limited to the use of state resources and personnel for fire management required by the emergency. Any local government requests for state resources must be submitted through county governing bodies to the Office of Emergency Management pursuant to ORS Chapter 401.

3. This order shall remain in effect until the threat is significantly relieved or the fire season ends.

4. This order was made by verbal proclamation at 2:40 pm on the 16th day of July, 2014.

Done at Portland, Oregon, this 5th day of August, 2014.

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

ATTEST

/s/ Kate Brown
Kate Brown
SECRETARY OF STATE

EXECUTIVE ORDER NO. 14 - 08

INVOCATION OF EMERGENCY CONFLAGRATION ACT FOR THE BEAVER COMPLEX FIRE IN JACKSON COUNTY

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

The fire known as the "Beaver Complex Fire" is burning in Jackson County.

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

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

These findings were made at 11:30 a.m. on August 1, 2014, and I now confirm them with this Executive Order.

IT IS HEREBY DIRECTED AND ORDERED:

1. The Oregon State Police and the Office of State Fire Marshal shall mobilize fire resources statewide and coordinate with all appropriate Fire Defense Chiefs for the use of personnel and equipment in accordance with the Emergency Conflagration Act to suppress and contain this fire. Resources responding to the Beaver Complex Fire burning near Ashland may be redistributed by the State Fire Marshal.

2. This emergency is declared only for the Beaver Complex Fire threatening structures in Jackson County and the City of Ashland.

These findings were made by verbal proclamation on August 1, 2014, at 11:30 a.m.

Done at Salem, Oregon, this 5th day of August, 2014.

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

ATTEST

/s/ Kate Brown
Kate Brown
SECRETARY OF STATE

EXECUTIVE ORDER NO. 14 - 09

INVOCATION OF EMERGENCY CONFLAGRATION ACT FOR THE ROWENA FIRE IN WASCO COUNTY

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

The fire known as the Rowena Fire is burning in Wasco County.

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

EXECUTIVE ORDERS

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

These findings were made at 1:05 a.m. on August 6, 2014, and I now confirm them with this Executive Order.

IT IS HEREBY DIRECTED AND ORDERED:

1. The Oregon State Police and the Office of State Fire Marshal shall mobilize fire resources statewide and coordinate with all appropriate Fire Defense Chiefs for the use of personnel and equipment in accordance with the Emergency Conflagration Act to suppress and contain this fire.

2. This emergency is declared only for the Rowena Fire threatening structures in Wasco County.

These findings were made by verbal proclamation on August 6, 2014, at 1:05 a.m.

Done at The Dalles, Oregon, this 8th day of August, 2014.

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

ATTEST

/s/ Kate Brown
Kate Brown
SECRETARY OF STATE

EXECUTIVE ORDER NO. 14 - 10

INVOCATION OF EMERGENCY CONFLAGRATION ACT FOR THE ROGUE RIVER DRIVE FIRE IN JACKSON COUNTY

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

The fire known as the Rogue River Drive Fire is burning in Jackson County.

The resources necessary for protecting life and property from the Rogue River Drive Fire are beyond local capabilities. Assistance with life, safety, and structural fire protection was requested by the Fire Defense Chief in Jackson County. The State Fire Marshal concurs with that request.

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

These findings were made at 8:02 p.m. on August 12, 2014, and I now confirm them with this Executive Order.

IT IS HEREBY DIRECTED AND ORDERED:

1. The Oregon State Police and the Office of State Fire Marshal shall mobilize fire resources statewide and coordinate with all appropriate Fire Defense Chiefs for the use of personnel and equipment in accordance with the Emergency Conflagration Act to suppress and contain this fire.

2. This emergency is declared only for the Rogue River Drive Fire threatening structures in Jackson County.

These findings were made by verbal proclamation on August 12, 2014, at 8:02 p.m.

Done at Portland, Oregon, this 14th day of August, 2014.

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

ATTEST

/s/ Kate Brown
Kate Brown
SECRETARY OF STATE

EXECUTIVE ORDER NO. 14 - 11

STATUARY HALL STUDY COMMISSION

This Order creates the Statuary Hall Study Commission and charges it with studying and recommending to the 2015 Legislature whether to replace one of Oregon's statues in the National Statuary Hall Collection of the United States Capitol, and, if a replacement is recommended, which Oregonian should be newly memorialized in the National Statuary Hall Collection.

In 1864, the United States Congress passed legislation converting the former House of Representatives Chamber into a venue for displaying statues of citizens from each state "illustrious for their historic renown or for distinguished civic or military services." 2 U.S.C. § 2131. The National Statuary Hall Collection now includes 100 statues contributed by fifty states. These statues serve as a reminder of each state's heritage and shared values.

Over time, recognition of influential historical figures has evolved and expanded. Reflective of the continuing growth and development of our nation, federal legislation enacted in 2000 provides procedures for states to reclaim one of their statues in the National Statuary Hall Collection and replace it with a new statue. 2 U.S.C. § 2132. Pursuant to these procedures, any state may request the replacement of one of their statues if the request has been approved by a resolution adopted by the state legislature and approved by the Governor and the statue to be replaced has been displayed for at least ten years. Replacement of a statue does not prevent the return or rotation of a statue after the prescribed ten-year display requirement.

Seven states have replaced statues since the amendment. In the same vein of making history more contemporary, Congress authorized the placement of a statue honoring Rosa Parks in 2005, and last year House Speaker John Boehner and Vice President Joe Biden led a bipartisan delegation to unveil the placement of a statue of Frederick Douglass.

Oregon has been represented by Jason Lee and John McLoughlin in the National Statuary Hall for sixty years. Both men played significant roles in the founding of our state. Recent legislative sessions have included discussion on whether Oregon's statues should be updated to better reflect our state's modern values and spirit. Accordingly, the Statuary Hall Study Commission is tasked with studying and recommending whether to update one of Oregon's statues in the United States Capitol, and, if a replacement is recommended, which Oregonian should be memorialized. The Commission, in addition to representing the diversity of geography and interests of Oregon, shall hold public meetings in separate Congressional districts and receive input from a wide range of Oregonians via public, electronic, and written testimony.

EXECUTIVE ORDERS

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. The Statuary Hall Study Commission is established.
 - a. The Commission shall consist of nine voting members appointed as follows:
 - i. The President of the Senate shall appoint two members.
 - ii. The Speaker of the House of Representatives shall appoint two members.
 - iii. The Governor shall appoint five members, consisting of one member representing the Oregon Historical Society and four members of the public.
2. In addition to the nine voting members, the Commission will also include the Oregon Historical Society Executive Director as an ex-officio, non-voting member to serve the Commission in an advisory capacity.
3. All members shall serve at the pleasure of their appointing authority.
4. The Governor shall appoint one member to serve as chairperson. The Commission shall meet at least four times at the direction of the chairperson of the Commission or of a majority of the voting members of the Commission. The meetings shall be public meetings held in separate Congressional districts in Oregon.
5. A majority of the voting members of the Commission constitutes a quorum for the transaction of business. Official action by the Commission requires the approval of a majority of the voting members of the Commission.
6. If there is a vacancy for any cause, the appointing authority shall make an appointment to become effective immediately.
7. The Commission shall study and recommend to the 2015 Oregon Legislative Assembly whether to replace one of Oregon's statues in the National Statuary Hall Collection of the United States Capitol, and, if replacement is recommended, which

Oregonian should be honored in the National Statuary Hall Collection. Additionally, in the event that a replacement is recommended, the Commission shall also recommend a suitable location of honor in Oregon, open to the public, to display the replaced statue.

8. Before making its final recommendations to the Legislature, the Commission shall encourage input from a wide range of Oregonians via public, electronic, and written testimony. In particular, the Commission shall solicit input from schoolchildren throughout Oregon, as well as from historical societies throughout Oregon.

9. The Commission shall make its final recommendation to the Legislature on February 4, 2015.

10. All agencies of state government as defined in ORS 174.111 are directed to assist the Commission in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the Commission consider necessary to perform their duties.

11. Notwithstanding ORS 171.072, members of the Commission who are members of the Legislative Assembly are not entitled to mileage expenses or a per diem and serve as volunteers on the Commission. Other members of the Commission are not entitled to compensation or reimbursement for expenses and serve as volunteers on the Commission.

12. This order shall expire May 1, 2015.

Done at Portland, Oregon this 20th day of August, 2014.

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

ATTEST

/s/ Kate Brown
Kate Brown
SECRETARY OF STATE

OTHER NOTICES

A CHANCE TO COMMENT ON PROPOSED CONSENT JUDGMENT FOR A PROSPECTIVE PURCHASER AGREEMENT AT 700 NW CORNELL AVENUE PROPERTY, CORVALLIS, OREGON

COMMENTS DUE: Oct. 1, 2014

PROJECT LOCATION: 700 NW Cornell Ave., Corvallis, Oregon.

PROPOSAL: Oregon DEQ proposes to enter into a consent judgment for a prospective purchaser agreement with Charles Grato for the property located at 700 NW Cornell Ave., Corvallis, Ore.

HIGHLIGHTS: Grato is acquiring the property to allow him to continue to operate Waucomah Auto Repair when the existing owner retires. The business will operate under new management and continue to provide automotive repair services to the community, as well as increase the property's productive use. The property was used historically from 1926 through the early 1980s as a bulk fuel distributor and contained a building and four 20,000 gallon aboveground storage tanks. The tanks stored gasoline, diesel and stove oil. In the early 1980s, the building was expanded and converted to an automotive and radiator repair business.

In May 2013, soil and groundwater samples were collected to determine if the historic bulk fuel operations had adversely impacted the property. Soil and groundwater contamination was detected. In July 2014, Grato's consultant collected additional soil samples. The recent sampling established that the historic bulk fuel operations are the source of total petroleum hydrocarbon contamination remaining in the soil and shallow groundwater at the property.

The consent judgment will require Grato to place institutional controls on the property precluding usage for residential purposes, the installation of water well(s) or use of the shallow groundwater. Grato has agreed to fund up to \$50,000 of active bioremediation work to help reduce the residual petroleum hydrocarbon contamination levels to below DEQ risk-based cleanup concentrations. The bioremediation work will include injecting the contaminated soil with bacteria that will ingest and break down the residual contamination, as well as injecting nutrients that will enhance the ability of the microbes to degrade the contamination. The consent judgment will contain the institutional controls deemed necessary to help prevent the public from being exposed to potentially harmful residual chemicals.

DEQ's Prospective Purchaser Program was created in 1995 through amendments to the state's environmental cleanup law. The prospective purchaser agreement is a tool that facilitates the cleanup of contaminated property and encourages property transactions that would otherwise not likely occur because of the liabilities associated with purchasing a property with existing contamination. DEQ has approved more than 100 prospective purchaser agreements throughout the state since the program began.

The proposed consent judgment will provide Grato with a release from liability for claims by the State of Oregon under ORS §465.255 relating to any historical releases of hazardous substances or petroleum hydrocarbons at or from the property. The judgment will also provide Grato 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: Written comments concerning the proposed consent judgment should be sent to Bill Mason at DEQ's Western Region Office, 165 East 7th Ave., Ste 100, Eugene, OR 97401-3049. Comments must be received by DEQ by 5p.m. on Oct. 1, 2014. If you have questions or would like to review the consent judgment and DEQ's files on the property call Bill Mason at 541-687-7427 or email at: mason.bill@deq.state.or.us.

Upon written request by ten or more persons, or by a group having ten or more members, a public meeting will be held to receive verbal comments on the proposed Consent Judgment.

THE NEXT STEP: DEQ will consider all public comments. A final decision concerning the proposed consent judgment will be made after consideration of public comments.

REQUEST FOR COMMENTS PROPOSED CLEANUP FOR NW CAST

COMMENTS DUE: 5 p.m., Tuesday, Sept 30, 2014

PROJECT LOCATION: 9209 N Calvert Ave., Portland, Oregon

PROPOSAL: The Oregon Department of Environmental Quality seeks comments on the proposed cleanup for NW Cast. The proposed remedial action includes excavation and off-site disposal of contaminated soil and backfill of the excavation area with gravel.

HIGHLIGHTS: Northwest Cast Metal Products and Universal Silver operated on site from approximately 1935 to the late 1970s. Activities included metals recovery and smelting operations and decommissioning of transformers containing polychlorinated biphenyl commonly known as PCBs. Currently, the site is used for truck and trailer parking.

Several site investigations between 1998 and 2014 found elevated concentrations of metals and PCBs in surface soils. Surface soil in some areas contain PCBs and metals at concentrations that exceed levels protective of on-site workers. Soil across the site could potentially be carried by stormwater discharges to the Columbia Slough. Site soil contains contaminants at concentrations that exceed protective levels established for Columbia Slough. Shallow groundwater samples collected in the vicinity of a former underground storage tank had detections of metals and petroleum. However, shallow groundwater is not used and contaminants are not expected to reach the Columbia Slough at concentrations of concern.

The proposed cleanup action is to remove one to three feet of soil such that residual concentrations are below levels protective of occupational workers and, to the extent practical, below Columbia Slough sediment screening levels. The excavation area would then be backfilled with clean gravel reducing the potential for remaining site soils to be carried in stormwater to the Columbia Slough.

HOW TO COMMENT: Send comments to DEQ Project Manager Sarah Miller at 2020 SW 4th Ave, Portland, Oregon 97201 or miller.sarah@deq.state.or.us by 5 p.m. Tuesday, Sept. 30. For more information contact Sarah Miller at 503-229-5040.

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 ECSI#999 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled ECSI #999 in the Site ID/Info column. Alternatively, you may go directly to the database website for this page at: <http://www.deq.state.or.us/Webdocs/Forms/Output/FPCController.aspx?SourceIdType=11&SourceId=4157&Screen=Load>

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

THE NEXT STEP: DEQ will issue a Record of Decision (ROD). A work plan will be developed to implement the remedial action.

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

REQUEST FOR COMMENTS PROPOSED SHORELINE SOURCE CONTROL FOR EVRAZ OREGON STEEL

COMMENTS DUE: 5 p.m., Tuesday, Sept. 30, 2014

PROJECT LOCATION: 14400 Rivergate Ave., Portland, OR

PROPOSAL: The Department of Environmental Quality proposes that Evraz Oregon Steel Mills implement shoreline source control measures to significantly reduce potential sources of contamination to the Willamette River. These measures include removing beach

OTHER NOTICES

soils and removing, capping, and stabilizing bank soils contaminated with metals and PCBs. DEQ has concluded that this combination of actions will remove, or prevent contact with, and erosion of, contaminant sources along the site's shoreline on the Willamette River. **HIGHLIGHTS:** The Evraz facility is located on approximately 145 acres at River Mile 2 on the east shore of the Willamette River. The property is part of the Portland Harbor Superfund Site study area. Oregon Steel Mills (formerly Gilmore Steel Mills) purchased the property in 1967 and built a steel mill on the site. Evraz purchased the facility from Oregon Steel Mills in 2006. Portions of the original steel mill continue to operate today, however the steelmaking operations have been idle since 2003.

Environmental investigations of the site conducted since 2001 revealed metals and PCBs present in fill material exposed along the facility's bank on the Willamette River. Concentrations exceed screening levels based on toxicity to aquatic organisms and bioaccumulation in fish tissue. Contaminated soil is currently subject to erosion into the river.

DEQ is proposing that contaminated soil along the beach be removed to depths of one to five feet below the surface with residual contamination capped with river rock, and that steeper portions of the bank, susceptible to erosion, be remediated via soil removal, followed by capping and stabilization of the bank and residual contamination.

HOW TO COMMENT: Send comments to DEQ Project Manager Jennifer Sutter DEQ Northwest Region, 2020 SW 4th Ave., Portland, OR 97201 or sutter.jennifer@deq.state.or.us by 5 p.m. Tuesday, Sept. 30, 2014. Contact Sutter at 503-229-6148.

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 [ECSI#] in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled [ECSI #] in the Site ID/Info column. Alternatively, you may go directly to the database website for this page at <http://www.deq.state.or.us/Webdocs/Forms/Output/FPController.aspx?SourceId=141&SourceIdType=11>.

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

THE NEXT STEP: DEQ will consider all public comments, and the regional administrator will make and publish the final decision after consideration of these comments

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

REQUEST FOR COMMENTS PROPOSED SOURCE CONTROL DECISION FOR RB RECYCLING

COMMENTS DUE: 5 p.m., Tuesday Sept. 30, 2014

PROJECT LOCATION: 8501 N Borthwick Ave., Portland, Oregon

PROPOSAL: DEQ proposes to issue a determination that the stormwater pathway for contaminants to discharge to the Columbia Slough from the former RB Recycling facility site has been controlled.

HIGHLIGHTS: RB Recycling, a tire recycling facility, operated on the site from 1975 until 2013 when operations shut down and began vacating the property. Currently the site is vacant. Stormwater samples collected while the facility was operating repeatedly exceeded benchmarks for total suspended solids, copper, and zinc. Columbia Slough sediments adjacent to the RB Recycling stormwater

discharge outfall contain elevated concentrations of metals, PCBs and PAHs. RB Recycling signed a voluntary agreement with DEQ in 2012 to investigate the stormwater pathway at the site.

As part of vacating the property, RB Recycling removed one to three feet of surface soils across the site and in adjacent roadways until samples of remaining soil were found to meet levels protective of the stormwater pathway. Following soil removal RB Recycling placed a minimum of six inches of clean gravel on the site and adjacent N. Hunt Ave. and N. Kirby St. A private outfall draining a portion of the site, known as the N. Hunt St. drain, was sealed by the northern property owner, Wastech (ECSI#1271) preventing stormwater discharge via this pathway.

HOW TO COMMENT: Send comments to DEQ Project Manager Sarah Miller at 2020 SW 4th Ave, Portland, Oregon 97201 or miller.sarah@deq.state.or.us by 5 p.m., Tuesday, Sept. 30. Contact Sarah Miller at 503-229-5040.

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 ECSI#4157 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled ECSI #4157 in the Site ID/Info column. Alternatively, you may go directly to the database website for this page at: <http://www.deq.state.or.us/Webdocs/Forms/Output/FPController.aspx?SourceIdType=11&SourceId=4157&Screen=Load>

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

THE NEXT STEP: DEQ will issue a stormwater source control decision.

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

REQUEST FOR COMMENTS PROPOSED REMEDY APPROVAL AND CLOSURE FOR BLOCK 15, FORMER PORTLAND GAS MANUFACTURING. SITE

COMMENTS DUE: 5 p.m., Tuesday, Sept. 30, 2014

PROJECT LOCATION: 121 NW Everett St., Portland, OR

PROPOSAL: The Department of Environmental Quality is proposing to approve a remedy to address soil and groundwater contamination at the Block 15 property, part of the former Portland Gas Manufacturing property undergoing investigation. DEQ has determined that an office building and other development eliminate potential contaminated media, and that no further action is necessary provided these capping elements are maintained.

HIGHLIGHTS: Block 15 is located on the eastern perimeter of the former Portland Gas Manufacturing site in downtown Portland. Portland Gas Manufacturing is undergoing investigation and cleanup under DEQ. A separate closure decision was requested for Block 15, which had limited impacts from gas manufacturing. Data indicate that soil and groundwater are contaminated at Block 15. However redevelopment of the property in 1999, including construction of an office building and paved parking, has effectively capped contamination. DEQ is proposing site closure given an absence of risk; ongoing inspection and maintenance of the site cap will be necessary, and a deed restriction will be recorded prohibiting groundwater use.

HOW TO COMMENT: Send comments to DEQ Project Manager Daniel Hafley at 2020 SW Fourth Ave., Suite 400, Portland, OR or hafley.dan@deq.state.or.us. For more information contact the project manager at 503-229-5417.

OTHER NOTICES

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 5755 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 5755 in the Site ID/Info column. Alternatively, you may go directly to the database website for this page at <http://www.deq.state.or.us/lq/ecsi/ecsilist.asp?SiteID=5755>.

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

THE NEXT STEP: After all comments have been considered, DEQ will proceed with site closure.

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

REQUEST FOR COMMENTS PROPOSED APPROVAL OF CLEANUP AT OREGON FIR SUPPLY COMPANY SITE

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

PROJECT LOCATION: 6225 NE 112th Avenue, Portland, Oregon
Proposal: DEQ seeks comments on its proposal to issue a conditional no further action determination for an environmental cleanup at the former Oregon Fir Supply Company site located in Northeast Portland. DEQ is also proposing to issue LeJar Enterprises, LLC, a Certificate of Completion for remedial action obligations described in their Unilateral Order with DEQ.

HIGHLIGHTS: The property was subject to releases of hazardous wastes by Drum Recovery Incorporated in 1980 to 1981, which resulted in soil and groundwater contamination from pentachlorophenol and volatile organic compounds, commonly known as VOCs. The site is located within the City of Portland back up municipal supply well field and is designated General Industrial 2 land use.

Several phases of investigation and cleanup have been completed since 1994. DEQ issued a Record of Decision for cleanup in 2009 which directed treatment to address elevated VOCs concentrations in groundwater at source areas, environmental monitoring to assess soil-gas and groundwater, and institutional controls. In-situ bioremediation of groundwater was implemented in 2007 and 2011. Remedial action monitoring has been performed and post-treatment monitoring has not detected contaminants above applicable risk-based concentrations. DEQ has concluded remaining contamination does not pose unacceptable risk, including the beneficial use of Troutdale Gravel Aquifer groundwater as a drinking water source to nearby properties and the City of Portland municipal supply. Cleanup has restored the site to conditions protective for human health and the environment for current and reasonably likely future land use.

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

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

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

To access site summary information and other documents in the DEQ Environmental Cleanup Site Information database, go to <http://www.deq.state.or.us/lq/ECSI/ecsi.htm>, select "Search complete ECSI database", then enter 167 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 167 in the Site ID/Info column. Alternatively, you may go directly to the database website for this page at: <http://www.deq.state.or.us/>

Webdocs/Forms/Output/FPCController.ashx?SourceId=167&SourceIdType=11.

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

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

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

REQUEST FOR COMMENTS REVISED CLEANUP PLAN FOR BLOCK 8L IN PORTLAND'S OLD TOWN DISTRICT

COMMENTS DUE: 5 p.m., Tuesday, Sept. 30, 2014

PROJECT LOCATION: 60 NW Davis St., Portland, OR

PROPOSAL: The Department of Environmental Quality is proposing a fundamental revision to the 2013 cleanup plan to address soil and groundwater contamination at the Block 8L property located in Portland's Old Town district. Under the revised plan, site contamination will be capped with a combination of clean fill and hardscape. A soil vapor treatment system also will be installed.

HIGHLIGHTS: Investigation at the Block 8L property has identified elevated concentrations of petroleum hydrocarbons and metals in soil. Petroleum has also been detected in shallow groundwater in the northeast site corner exceeding DEQ risk-based concentrations. Soil contamination is principally from contaminated fill from past operations at the site. Groundwater contamination has migrated onto the site from a separate property to the northeast.

DEQ's 2013 selected remedy consisted of excavation and landfill disposal of approximately 3,400 tons of contaminated soil, and installing of a soil vapor collection system, with excavation being performed during construction of subgrade parking. Revised developments plans call for minimal subgrade work. DEQ has determined site risk can be addressed through installation of a site cap consisting of clean fill and hardscape, as requested by the Portland Development Commission. Capping will require ongoing inspection and maintenance and a deed restriction to be filed with the property deed. Specific information on the new cleanup remedy is presented in a DEQ Record of Decision Amendment dated August 2014.

HOW TO COMMENT: Send comments to DEQ Project Manager Daniel Hafley at 2020 SW Fourth Ave., Suite 400, Portland, OR or hafley.dan@deq.state.or.us. For more information contact the project manager at 503-229-5417.

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 5768 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 5768 in the Site ID/Info column. Alternatively, you may go directly to the database website for this page at <http://www.deq.state.or.us/lq/ecsi/ecsilist.asp?SiteID=5768>.

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

THE NEXT STEP: After all comments have been considered, DEQ will proceed with site closure.

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.

OTHER NOTICES

REQUEST FOR COMMENTS PROPOSED CONDITIONAL APPROVAL OF CLEANUP AT POWELL LLC PROPERTY

COMMENTS DUE: 5 p.m., Tuesday, Sept. 30, 2014

PROJECT LOCATION: 3610 SE 29th Ave., Portland

PROPOSAL: The Department of Environmental Quality is proposing to issue a No Further Action determination with conditions based on the results of a Phase II Environmental Site Assessment completed on May 28, 2013 for the Powell LLC Property in Portland. DEQ is proposing that no further investigation or cleanup be required unless new buildings are planned for the property or the existing warehouses are enclosed.

HIGHLIGHTS: The property extends over a former ravine that was filled with construction debris, including brick, concrete, glass, metal and vegetation, in the 1950s and 1960s. An office and vehicle maintenance shop was constructed at the north end of the property in 1951, and two three-sided aluminum storage warehouses were constructed in 1987. The property was occupied by construction companies through the mid-1980s and since then has been used for warehouse storage. Petroleum-contaminated soils are present in portions of the property at concentrations exceeding DEQ's risk-based standards for direct contact by construction workers. Methane generated from decomposing vegetation in the ravine fill soils also is a concern. The property does not pose an unacceptable risk to public health or the environment in its current state, but further investigations will be needed if new buildings are planned or if the current warehouses are enclosed.

HOW TO COMMENT: Send comments to DEQ Project Manager Kevin Dana at 2020 SW 4th Avenue, Suite 400, Portland, Oregon, 97201 or dana.kevin@deq.state.or.us. For more information contact the project manager at 503-229-5369.

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 5829 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 5829 in the Site ID/Info column. Alternatively, you may go directly to the database website for this page at <http://www.deq.state.or.us/lq/ECSI/ecsidetail.asp?seqnbr=5829>.

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

THE NEXT STEP: DEQ will consider all public comments received by the close of the comment period before making a final decision regarding the No Further Action determination. A public notice announcing the final decision will be published in this publication.

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

REQUEST FOR COMMENTS PROPOSED CLEANUP PLAN FOR THE FORMER EUGENE MANUFACTURED GAS PLANT

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

PROJECT LOCATION: 700 Block of E. 8th Ave., Eugene, Ore.

PROPOSAL: DEQ is recommending a cleanup plan for a portion of the former Eugene Manufactured Gas Plant located on property owned by the Eugene Water & Electric Board (EWEB) at the 700 block of E. 8th Ave. along the Willamette River, in Eugene, and the adjacent cul-de-sac located at the intersection of Hilyard Street and E. 8th Ave. owned by the City of Eugene. DEQ proposes that *Engineering and Institutional Controls with Targeted Soil/Waste Removal* be adopted as the remedy to address unacceptable risks to

human health and the environment at the site. This remedy includes removal of the highest concentration wastes from in and around some buried structures at the site, maintaining an asphalt or equivalent cap over the site, and shoreline and riverbank stabilization measures to prevent erosion. In addition, the proposal requires a deed restriction requiring regular cap maintenance and inspection as well as maintenance of shoreline stabilization measures and restricting residential use of the site. Information regarding DEQ's recommendations is in the Staff Report, Recommended Remedial Action for Eugene Manufactured Gas Plant (Former) EWEB-Owned Portion, and the Staff Report, Recommended Remedial Action for Eugene Manufactured Gas Plant (Former) Cul-de-Sac Portion, ECSI 1723.

HIGHLIGHTS: The gas plant operated from 1907 to 1950. Operations at the facility produced a thick tar-like residue containing several contaminants which contaminated soil and groundwater. A DEQ initiated site investigation and risk assessment demonstrated the need for a remedy to prevent direct exposure to contaminated soils, prevent indoor exposure to contaminated vapors and ensure continued shoreline stability.

HOW TO COMMENT: Send comments to DEQ Project Manager Seth Sadofsky at 165 E. 7th Ave., Suite 100, Eugene, OR 97401 or email to: sadofsky.seth@deq.state.or.us. For more information contact the project manager at 541-687-7329.

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 other documents in the DEQ Environmental Cleanup Site Information database, go to www.deq.state.or.us/lq/ECSI/ecsi.htm, select "Search complete ECSI database", then enter 1723 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 1723 in the Site ID/Info column. Alternatively, you may go directly to the database website for this page at <http://www.deq.state.or.us/Webdocs/Forms/Output/FPController.aspx?SourceId=1723&SourceIdType=11>

If you do not have web access and want to review the project file contact DEQ Project Manager Seth Sadofsky.

THE NEXT STEP: At the conclusion of the public comment period a Record of Decision will be issued for the site and EWEB will begin working on the cleanup under the supervision of DEQ.

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

REQUEST FOR COMMENTS DEQ PROPOSES NO FURTHER ACTION FOR JIMMY CREEK RANCH

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

PROJECT LOCATION: 53365 Jimmy Creek Road, North Powder

PROPOSAL: The Department of Environmental Quality proposes to issue a no further action determination for the Jimmy Creek Ranch site located near North Powder. DEQ issues a no further action determination when a cleanup has met regulatory standards. DEQ also proposes to delist the site from the Confirmed Release List and Inventory of Hazardous Substances.

HIGHLIGHTS: A fence post treating area, two underground storage tanks (USTs), two above ground tanks, and associated dispensers were located approximately 200 feet south of the ranch residence. Between November 2011 and March 2012, approximately 400 tons of primarily pentachlorophenol contaminated soil was excavated and transported off-site for disposal. Soil was also excavated from two burn pile areas. The two USTs were decommissioned by excavation and removal.

OTHER NOTICES

HOW TO COMMENT: Send comments by 5 p.m., September 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, the consent order, and other documents visit DEQ's Environmental Cleanup Site Information (ECSI) database at <http://www.deq.state.or.us/lq/ecsi/ecsi.htm> under Site ID 4849. To review the project file, contact the project manager above for a file review appointment.

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

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

DEQ RECOMMENDS NO FURTHER ACTION FOR ASSESSMENT OR CLEANUP OF FORMER TRUCK MAINTENANCE FACILITY, GOLDFISH FARM ROAD ALBANY, OREGON

PROJECT LOCATION: 1248 Goldfish Farm Road, SE
Albany, Linn County, Oregon

SUMMARY: The Oregon Department of Environmental Quality is recommending No Further Action (NFA) for assessment or cleanup of historical contaminants at the former Truck Maintenance Facility (Goldfish Farm Road) in Albany. DEQ is soliciting public comment on the recommendation. The following provides a short project summary and information on how to comment.

Historical operations at the property included several generations of truck and equipment repair and storage facilities. The former truck

repair facility, which operated from the 1950s to 1970s, included a truck shop building containing a grease pit and a truck fueling area with two above-ground fuel storage tanks (ASTs) located in a separate shed structure. A truck wash company operated at the property from approximately 1989 until 1995.

Historic releases of petroleum (diesel, gasoline, and waste oil) resulted in shallow soil and groundwater contamination. The contamination was assessed during several subsurface investigations between 2006 and 2012. The current property owner's consultant completed a summary of the assessment work and prepared a Remedial Investigation Summary Report which recommended site closure under Oregon Cleanup Rules. DEQ agreed with the conclusions and prepared a staff memo recommending No Further Action for assessment and cleanup. The report also supports DEQ's conclusions as to why residual contaminants are below acceptable risk levels and that the site is protective of human health and the environment.

DEQ's recommendation is conditional based on the presumed future use of the property remaining commercial. DEQ's recommendation includes a deed restriction on the property that presents where residual contamination might be found and how to manage contaminated soil and groundwater, if encountered. As long as the deed restriction is adhered to, the site will be protective of human health and the environment.

HOW TO COMMENT: The Remedial Investigation Report and the Staff Memo are available on line at <http://www.deq.state.or.us/lq/cu/index.htm> by entering the Site ID number 5043 in the Environmental Cleanup Site Inventory (ECSI) database. A file containing detailed information for the site is available for review in DEQ's office located in Suite 100 at 165 East 7th Avenue in Eugene. Comments need to be received by September 30th at 5 pm by email or letter. Comments or questions should be directed to Bryn Thoms at DEQ's Eugene office at 541-687-7424 or toll-free in Oregon at 1-800-844-8467, extension 7424, or by email at thoms.bryn@deq.state.or.us.

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 Examiners for Speech-Language
Pathology and Audiology
Chapter 335**

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

Date:	Time:	Location:
9-30-14	4 p.m.	800 NE Oregon St., Rm. 445 Portland, OR 97232

Hearing Officer: Sandy Leybold

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

Other Auth.: SB 5526-A (2013), OAR 335-060-0010(1)(f)

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

Proposed Adoptions: 335-005-0026

Last Date for Comment: 10-1-14, 5 p.m.

Summary: 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

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

Telephone: (971) 673-0220

**Board of Nursing
Chapter 851**

Rule Caption: To address the specific role and population foci of Adult and Pediatric NPs in Oregon

Date:	Time:	Location:
9-25-14	9 a.m.	17938 SW Upper Boones Ferry Rd. Portland, OR

Hearing Officer: Kay Carnegie

Stat. Auth.: ORS 678.380 & 678.395

Stats. Implemented: ORS 678.380

Proposed Amendments: 851-050-0005

Last Date for Comment: 9-25-14, 5 p.m.

Summary: The purpose of the proposed revisions to OAR 851-050-0050 is to address the specific role and population foci of Adult and Pediatric Nurse Practitioners (NPs) in Oregon and clarify language related to the qualifications and training of Advanced Practice Registered Nurses (APRNs). The proposed revisions will also clarify that licensees holding the following titles, which are all scheduled for national exam certification retirement in December 2014, will remain protected as long as they maintain their licensure and national certification requirements:

- Adult Nurse Practitioner
- Acute Care Nurse Practitioner
- Gerontological Nurse Practitioner

During the temporary rule making process stakeholder feedback was received requesting change to the title and abbreviation for Pediatric Nurse Practitioner to better reflect their national organization's use of the title and abbreviation.

Rules Coordinator: Peggy A. Lightfoot

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

Telephone: (971) 673-0638

**Board of Pharmacy
Chapter 855**

Rule Caption: Amends division 019 Pharmacist Licensure by Reciprocity.

Stat. Auth.: ORS 689.205

Stats. Implemented: ORS 689.151 & 689.265

Proposed Amendments: 855-019-0130

Last Date for Comment: 10-13-14, 4:30 p.m.

Summary: These 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 nonresident pharmacists who have obtained licensure in another state, but have less than one full year of pharmacist licensure to reciprocate.

Rules Coordinator: Karen MacLean

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

Telephone: (971) 673-0001

**Board of Psychologist Examiners
Chapter 858**

Rule Caption: Changes the educational requirements for psychologist and psychologist associate licensure.

Date:	Time:	Location:
10-10-14	10 a.m.	3218 Pringle Road SE, Suite 130 Salem, OR 97302*

Hearing Officer: LaRee Felton

Stat. Auth.: ORS 675.010-675.150

Stats. Implemented: ORS 675.010, 675.030, 675.065 & 675.110

Proposed Amendments: 858-010-0010, 858-010-0015

Last Date for Comment: 10-20-14, 5 p.m.

Summary: *NOTE: Hearing may also be heard by conference call: 1-800-504-8071, code 3784154

The proposed amendment changes the educational requirements for psychologist licensure by modifying the definition of approved doctoral program in psychology. The Board proposes to phase out its acceptance of doctoral degrees in psychology from programs at regionally accredited or provincially/territorially chartered institutions but which are not accredited by the American Psychological Association (APA) or Canadian Psychological Association (CPA). Degrees from programs at regionally accredited institutions will qualify only if 1) the applicant enrolled in his or her program prior to July 22, 2014 and applies by July 22, 2019; or 2) the program

NOTICES OF PROPOSED RULEMAKING

submitted an application to the APA or CPA for accreditation prior to the date the applicant's degree was conferred, and has been granted a site visit by the APA or CPA. The proposed amendment would also add a requirement of one continuous year in-residence at the master's program as a qualification for licensure as a psychologist associate. There are some clarifying language changes as well.

Rules Coordinator: LaRee Felton

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

Telephone: (503) 373-1196

Rule Caption: One-time license renewal fee reduction for psychologists and psychologist associates pursuant to ORS 291.055(3).

Stat. Auth.: ORS 675.010–675.150

Stats. Implemented: ORS 675.110 & 675.115

Proposed Amendments: 858-030-0005

Last Date for Comment: 10-20-14, 5 p.m.

Summary: The Board proposes to temporarily reduce license renewal fees for psychologists and psychologist associates. The proposal will modify fees as follows: active status will be reduced from \$750 to \$255; semi-active status will be reduced from \$375 to \$127.50; and inactive status will be reduced from \$100 to \$34. The proposed reduction would be effective from January 1, 2015 through December 31, 2016 such that all licensees in a biennial birth month renewal schedule will receive a one-time reduction. On January 1, 2017, fees will return to the prior level.

Rules Coordinator: LaRee Felton

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

Telephone: (503) 373-1196

Rule Caption: Clarifies post-doctoral supervised work experience requirements.

Stat. Auth.: ORS 675.010–675.150

Stats. Implemented: ORS 675.030, 675.090 & 675.110

Proposed Amendments: 858-010-0036

Last Date for Comment: 10-20-14, 5 p.m.

Summary: The Board proposes to make clarifying amendments to the post-doctoral supervised work experience requirements for licensure as a psychologist. The change will specify that the 24 month time limit on the psychologist licensure requirement statutory exemption under ORS 675.090(2)(a) does not restart or reset. The proposal also reorganizes some content for clarity and makes other helpful language changes.

Rules Coordinator: LaRee Felton

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

Telephone: (503) 373-1196

Department of Agriculture, Oregon Dairy Products Commission Chapter 617

Rule Caption: Sets State fiscal year for election of Chair and other Officers.

Stat. Auth.: ORS 576.304 Authority of Commodity Commissions

Other Auth.: Motion made & approved by Oregon Dairy Products Commission Board of Commissioners, October 17, 2013, during regular Commission meeting, Portland, Oregon.

Stats. Implemented: ORS 576.304 Authority of Commodity Commissions

Proposed Amendments: 617-030-0040

Last Date for Comment: 9-22-14, Close of Business

Summary: Sets the fiscal year for election of Chair and other Officers as the State fiscal year (July 1–June 30).

Rules Coordinator: Pete Kent

Address: Department of Agriculture, Dairy Products Commission, 10505 SW Barbur Blvd., Portland, OR 97219

Telephone: (503) 229-5033

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

Rule Caption: 2015 Workers' Compensation Premium Assessment Rates

Date:
9-24-14

Time:
2 p.m.

Location:
Labor & Industries Bldg.
350 Winter Street NE, Rm. 260
Salem, OR 97301

Hearing Officer: Fred Bruyns

Stat. Auth.: ORS 705.135, 656.726 & 656.612

Stats. Implemented: ORS 656.612 & 656.614

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

Last Date for Comment: 9-26-14, 5 p.m.

Summary: Each year DCBS adopts by rule the workers' compensation premium assessment rate that is paid by employers to fund workers' compensation and workplace safety and health programs. The rule also adopts the rate for an additional amount that is collected from all self-insured employers and self-insured employer groups to fund the Self-Insured Employers Adjustment Reserve and the Self-Insured Employer Group Adjustment Reserve. These funds ensure worker benefits are available in the event of a financial failure of a self-insured employer or self-insured employer group. Before recommending the 2015 rate, the department must analyze this financial data and review and authorize a proposed workers' compensation pure premium rate filing filed by the National Council on Compensation Insurance. The proposed premium assessment rate for 2015 is 6.2 percent for all employers, with an additional premium of 0.2 percent for self-insured employers and public self-insured employer groups and 1.0 percent for private self-insured employer groups. This is a preliminary rate and is subject to change during the rulemaking process.

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

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

Rules Coordinator: Jenny Craig

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

Telephone: (503) 947-7866

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

Rule Caption: Reduces Money Transmitter hourly examination fee.

Stat. Auth.: ORS 717.310

Stats. Implemented: ORS 717.255

Proposed Amendments: 441-745-0340

Last Date for Comment: 9-29-14, 5 p.m.

Summary: The proposed rule reduces the hourly examination fee payable by money transmitters to the hourly fee set in statute. In 2008, the Division of Finance and Corporate Securities updated hourly examination fees to be consistent throughout its programs. During the process, the hourly fee for money transmitter examinations was raised. The authorizing statute sets the hourly fee for an examiner at \$60. The division performs very few examinations of money transmitters because most are out-of-state businesses.

Rules Coordinator: Shelley Greiner

Address: Department of Consumer and Business Services, Finance and Corporate Securities, 350 Winter St. NE, Rm. 410, Salem, OR 97301

Telephone: (503) 947-7484

NOTICES OF PROPOSED RULEMAKING

Department of Consumer and Business Services, Insurance Division Chapter 836

Rule Caption: Adoption of Revisions to Workers' Compensation Statistical Plan

Date: 9-23-14 **Time:** 10 a.m. **Location:** Conference Rm. E,
Labor & Industries Bldg.
350 Winter St. NE
Salem, OR

Hearing Officer: Jeannette Holman

Stat. Auth.: ORS 731.244 & 737.225

Stats. Implemented: ORS 737.225

Proposed Amendments: 836-042-0045

Last Date for Comment: 9-26-14, Close of Business

Summary: The agency proposes to amend this rule to incorporate revisions to the revised 2008 edition of the Statistical Plan for Workers' Compensation and Employers Liability Insurance (Statistical Plan), as filed by the National Council on Compensation Insurance (NCCI). ORS 737.225(4) requires the director to prescribe the statistical plan to be used by workers' compensation insurers to report statistics. The primary revision to the Statistical Plan is to update the Pension Tables in the plan using updated data for life expectancies and remarriage rates. The revisions also include a number of reporting clarifications and maintenance updates to enhance the rules.

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, Oregon Occupational Safety and Health Division Chapter 437

Rule Caption: Adopt extension of deadline date for operator certification for cranes and derricks in construction.

Date: 10-1-14 **Time:** 1:30 p.m. **Location:** Labor & Industries Bldg.
Basement Conference Rm. E,
350 Winter St. NE
Salem, OR 97301

Hearing Officer: Sue Joye

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

Stats. Implemented: ORS 654.001-654.295

Proposed Adoptions: 437-003-1427

Proposed Amendments: 437-003-0001

Last Date for Comment: 10-10-14, Close of Business

Summary: The Oregon Occupational Safety and Health Division, known as Oregon OSHA is proposing to amend 1926.1427(k), extending the phase-in expiration date for crane operator certification and the employer duty to ensure competent and safe crane operations to November 10, 2017.

In February 2011, Oregon OSHA adopted by reference federal OSHA's Cranes and Derricks in Construction standard. Oregon's phase-in period for crane operator certification and employer duties located in 1926.1427, paragraph (k) of Division 3, Subdivision CC has an expiration date of November 10, 2014.

On February 10, 2014, federal OSHA published in the Federal Register a proposal to extend the phase-in expiration date by three years to November 10, 2017 to allow time to address national stakeholder concerns about equating certification with qualification as well as the requirement for operators to be certified by both type and capacity of crane. Oregon OSHA agrees that the phase-in deadline in 1926.1427 Operator qualification and certification, paragraph (k), should be delayed.

Oregon OSHA is proposing to repeal paragraph (k) of 1926.1427 and adopt a new Oregon-initiated rule, OAR 437-003-1427 for the purpose of extending the crane operator certification and employer duties phase-in expiration date to November 10, 2017. In the event

that federal OSHA publishes their final rule extending the phase-in expiration before Oregon OSHA completes the rule adoption process, Oregon OSHA will adopt the federal amendment as published.

By proposing to extend Oregon's phase-in expiration by three years, Oregon OSHA affirms its position to adopt language similar to federal OSHA's. Unless Oregon OSHA amends 1926.1427(k) to extend the deadline to November 10, 2017, employers in Oregon will be required to be in compliance with the current Oregon deadline for crane operator certification on November 10, 2014.

Oregon OSHA proposes to keep the current Oregon Administrative Rule OAR 437-003-0081 "Crane Operator Safety Training Requirements" until such time that the proposed 1926.1427(k) phase-in period has expired on November 10, 2017.

Please visit our website: www.orosha.org

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

Rules Coordinator: Sue C. Joye

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

Telephone: (503) 947-7449

Rule Caption: Adopt federal OSHA remand of portions of vertical tandem lifts standard in Marine Terminals.

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

Stats. Implemented: ORS 654.001-654.295

Proposed Amendments: 437-005-0002

Last Date for Comment: 10-3-14, Close of Business

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

Oregon OSHA proposes to adopt by reference the amendments to vertical tandem lifts as published in the April 21, 2014 Federal Register. Federal OSHA is implementing a court-ordered remand of certain portions of the standard for vertical tandem lifts (VTLs). This rulemaking implements the remand by: limiting the application of the corner-casting and interbox-connector inspection requirements to shore-to-ship VTLs; and removing the tandem lifts of platform containers from the scope of the VTL standard.

This amendment is to CFR 1917 Marine Terminals, 1917.71.

Please visit our website: www.orosha.org

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

Rules Coordinator: Sue C. Joye

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

Telephone: (503) 947-7449

Department of Energy Chapter 330

Rule Caption: Add fleets to Alternative Fuel Vehicle tax credit; amend Alternative Fuel Vehicle Revolving Fund program.

Date: 9-23-14 **Time:** 10 a.m. **Location:** Oregon Department of Energy
625 Marion St. NE
Salem, OR 97301

Hearing Officer: Elizabeth Ross

Stat. Auth.: ORS 469.040, 469.963 & 469B.347

Stats. Implemented: ORS 469B.320-469B.347, 315.336, 469.960-469.966 & 2014 OL Ch. 38

Proposed Amendments: 330-220-0000, 330-220-0010, 330-220-0020, 330-220-0030, 330-220-0050, 330-220-0070, 330-220-0080, 330-220-0090, 330-220-0100, 330-220-0150, 330-110-0060

Last Date for Comment: 9-24-14, 5 p.m.

Summary: The Oregon Department of Energy proposes rulemaking for the Alternative Fuel Vehicle tax credit program to include tax credits for the acquisition of an alternative fuel vehicle fleets as

NOTICES OF PROPOSED RULEMAKING

provided in Oregon Laws 2013, chapter 774 (SB 583). The rule proposes requirements for fleet projects specifically for ensuring projects have a nexus with Oregon, outlines tax credit eligible costs and defines the replacement of two or more vehicles as required for program eligibility. This rulemaking also includes changes to the Alternative Fuel Vehicle Revolving Loan Fund program rules to incorporate changes from Oregon Laws 2014, chapter 38 (HB 4107). HB 4107 added eligibility for certain private entities and provides authority for the department to collect fees for loan applications for this program. The department requests public comment on these draft rules. A call-in number is available for the public hearing, please see website for details: <http://www.oregon.gov/energy/Pages/Rulemaking-Alt-Fuel-Vehicles.aspx>

Rules Coordinator: Elizabeth Ross

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

Telephone: (503) 373-8534

.....

Rule Caption: Amendment to remove Oregon State Treasurer representative ex-officio member.

Date:	Time:	Location:
9-22-14	10 a.m.	OR Dept. of Energy 625 Marion St. NE Salem, OR 97301

Hearing Officer: Elizabeth Ross

Stat. Auth.: ORS 469.040 & 470.140

Stats. Implemented: ORS 470.050–470.815

Proposed Amendments: 330-110-0012

Last Date for Comment: 9-22-14, 5 p.m.

Summary: The Oregon Department of Energy proposes draft rules for the Small Scale Local Energy Loan Program to remove the Oregon State Treasurer representative ex-officio position from rule. The Oregon State Treasurer may still designate a representative to attend and observe the Small Scale Local Energy Project Advisory Committee meetings as a member of the public. The department requests public comment on these draft rules.

A call-in number is available for the public hearing, please see website for details: <http://www.oregon.gov/energy/pages/rulemaking-selp.aspx>

Rules Coordinator: Elizabeth Ross

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

Telephone: (503) 373-8534

.....

Department of Fish and Wildlife Chapter 635

Rule Caption: Establish 2015 Seasons and Regulations for Game Mammals

Date:	Time:	Location:
10-10-14	8 a.m.	1 Peninger Rd. Central Point, OR 97502

Hearing Officer: Oregon Fish and Wildlife Commission

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Proposed Amendments: Rules in 635-008, 635-010, 635-043, 635-045, 635-050, 635-060, 635-065, 635-066, 635-067, 635-068, 635-069, 635-070, 635-071, 635-072, 635-073, 635-075, 635-078, 635-080

Last Date for Comment: 10-10-14, Close of Hearing

Summary: Establish 2015 hunting regulations for game mammals, including season dates, open areas, location of cooperative travel management areas, wildlife areas, and other rules including, but not limited to, general hunting and controlled hunt regulations. Correct Division 50 furbearer dates relating to required postmark dates for harvest report form.

Rules Coordinator: Therese Kucera

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

Telephone: (503) 947-6033

.....

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

Rule Caption: Long Term Care Community Nursing

Date:	Time:	Location:
9-15-14	10:30 a.m.	Human Services Bldg. 500 Summer St. NE, Rm. 160 Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070

Proposed Amendments: 411-048-0160, 411-048-0170

Proposed Repeals: 411-048-0160(T), 411-048-0170(T)

Last Date for Comment: 9-22-14, 5 p.m.

Summary: The Department of Human Services (Department) is proposing to update the Medicaid Long Term Care Community Nursing (LTCCN) Services rules in OAR chapter 411, division 048 to make permanent temporary rule language that became effective May 1, 2014. The updated rules expand eligibility to allow consumers enrolled in brokerages serving individuals with intellectual and developmental disabilities to be eligible for LTCCN 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: Modified Adjusted Gross Income (MAGI) Eligibility

Date:	Time:	Location:
9-15-14	9:30 a.m.	Human Services Bldg. 500 Summer St. NE, Rm. 160 Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070

Proposed Amendments: 411-015-0005, 411-015-0006, 411-015-0008, 411-015-0015, 411-015-0100, 411-028-0010, 411-028-0020, 411-030-0020, 411-030-0040, 411-034-0010, 411-034-0030

Proposed Repeals: 411-015-0005(T), 411-015-0006(T), 411-015-0015(T), 411-015-0100(T), 411-028-0010(T), 411-028-0020(T), 411-028-0030(T), 411-030-0020(T), 411-030-0040(T), 411-034-0010(T), 411-034-0030(T)

Last Date for Comment: 9-22-14, 5 p.m.

Summary: The Department of Human Services (Department) is proposing to update the rules OAR 411-015, 030 and 034 to make permanent temporary rule language that became effective on April 21, 2014. The Department is also taking out the Modified Adjusted Gross Income (MAGI) temporary language from 411-028 and putting the OSIPM language back in to the rule. Also, in 411-028 language about adult protective service investigators was removed as it is no longer applicable.

The Department is proposing to amend eligibility for Medicaid funded long term care services, State Plan Personal Care, and State K-Plan to include the expanded Medicaid for Modified Adjusted Gross Income (MAGI) eligible individuals. This will be accomplished by changing the eligibility criteria in parts of the rule from OSIPM to Medicaid OHP Plus benefit package. Formatting, punctuation, and grammar issues in the rules were addressed as well.

Rules Coordinator: Kimberly Colkitt-Hallman

NOTICES OF PROPOSED RULEMAKING

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

.....
Department of Public Safety Standards and Training
Chapter 259

Rule Caption: Restricts polygraph trainees from performing reviews or offering professional opinions regarding another polygrapher's examinations.

Stat. Auth.: ORS 703.230

Stats. Implemented: ORS 703.230

Proposed Amendments: 259-020-0010

Last Date for Comment: 9-22-14, Close of Business

Summary: Current rule does not restrict a polygraph trainee from performing reviews or offering professional opinions regarding an examination performed by another licensed polygraph examiner or trainee. This rule change adds language to rule to address this issue. Housekeeping changes have also been made for clarity and consistency.

Rules Coordinator: Sharon Huck

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

Telephone: (503) 378-2432

.....

Rule Caption: Amends the current rule regarding Polygraph Licensing Advisory Committee Membership.

Stat. Auth.: ORS 703.230

Stats. Implemented: ORS 703.230

Proposed Amendments: 259-020-0055

Last Date for Comment: 9-22-14, Close of Business

Summary: The Polygraph Licensing Advisory Committee expressed concerns regarding the availability of qualified general examiners representing law enforcement to participate on the committee. Current rule states that the Polygraph Licensing Advisory Committee consist of at least four general examiners; one member from the Oregon State Police, one member from a county sheriff's department, one member from a city police agency, and one member from the private sector. To address this issue, DPSST has amended the current rule to have two members representing law enforcement and two members representing the private sector. Further, the two examiners representing law enforcement do not have to be agency specific, but rather can be from the Oregon State Police, a county sheriff's department, or a city police agency. The rule change also states that that law enforcement membership is limited to currently employed law enforcement polygraph examiners.

Rules Coordinator: Sharon Huck

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

Telephone: (503) 378-2432

.....

Rule Caption: Requires that applicants renewing instructor certification include proof of eight hours of continuing education.

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

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

Proposed Amendments: 259-060-0025, 259-060-0135

Last Date for Comment: 9-22-14, Close of Business

Summary: This proposed rule change adds the requirement to rule that applicants for instructor certification renewal must include proof of at least eight hours of continuing education taken within the last certification period. Proof of the training can be in the form of a grade or certificate, minutes, a roster, or receipt of course payment.

Rules Coordinator: Sharon Huck

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

Telephone: (503) 378-2432

Rule Caption: Revise and merge Private Investigator compliance rules into one rule; add violations and procedures.

Stat. Auth.: ORS 703.995

Stats. Implemented: ORS 703.995

Proposed Amendments: 259-061-0200

Proposed Repeals: 259-061-0210, 259-061-0220, 259-061-0230

Last Date for Comment: 9-22-14, Close of Business

Summary: The rules relating to Private Investigator compliance have been revised and merged into one rule. OAR 259-061-0200 now contains a list of violations, the procedures for complaints and violation allegations, procedures for proposing civil penalties, hearings requests, default orders, resolution by stipulation, and civil penalty amounts.

Additionally, the language for imposing civil penalties allows DPSST to consider each violation of any section or sub-section of ORS 703.401 to 703.490, or any section or subsection of the rule, as a separate violation.

This proposed rule change repeals OAR 259-061-0210, 259-061-0220, and 259-061-0230.

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 State Lands
Chapter 141

Rule Caption: Adopt revised Essential Indigenous Anadromous Salmonid Habitat (ESH) maps based on current data and standards.

Date:	Time:	Location:
10-2-14	3 p.m.	Red Lion, Cayuse Rm. 304 SE Nye Ave. Pendleton, OR 97801

Hearing Officer: Eric Metz or Bill Ryan

Stat. Auth.: ORS 196.810

Stats. Implemented: ORS 196.810

Proposed Amendments: 141-102-0020, 141-102-0030

Last Date for Comment: 11-28-14, 5 p.m.

Summary: Streams that are designated as ESH are those necessary to prevent the depletion of indigenous anadromous salmonid species during their life stages of spawning and rearing. ESH also includes off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to an ESH stream. According to OAR 141-102-0040, the Department must consult annually with the Oregon Department of Fish and Wildlife (ODFW) on the accuracy of the ESH designations and revise the maps to reflect the best available data and the newest version of Fish Habitat Distribution Data Standard. This update resulted in addition of new stream reaches and deletion of others. There was a net increase of 500 stream miles (or roughly 3%) over the current 2010 ESH designation. The proposed 2014 ESH designation maps can be viewed online: <http://bit.ly/1uM3mVo>

Rules Coordinator: Tiana Teeters

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

Telephone: (503) 986-5239

.....

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

Rule Caption: Amends Vehicle Dealer Record Rules to Comply with Chapter 21, OL 2014 (SB 1557)

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.035, 822.042, 822.045 & 2014 OL Ch. 21

Stats. Implemented: ORS 822.009, 822.035, 822.042, 822.045 & 2014 OL Ch. 21

Proposed Amendments: 735-150-0037

Last Date for Comment: 9-22-14, Close of Business

NOTICES OF PROPOSED RULEMAKING

Summary: In pertinent part, chapter 21, Oregon Laws 2014 amends ORS 822.045(1)(j)(B) to add a definition and to clarify the requirements for satisfying security interest for dealer-to-dealer transactions.

In May of 2014, DMV filed a temporary amendment of OAR 735-150-0037 because there was not enough time to complete the permanent rulemaking process to coincide with the March 3, 2014 effective date of the Act.

DMV is now proposing to permanently amend OAR 735-150-0037. That includes rewriting the rule in its entirety for clarity and readability.

Rules Coordinator: Lauri Kunze

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

Telephone: (503) 986-3171

.....
Health Licensing Office
Chapter 331

Rule Caption: Rules must be updated to keep pace with guideline changes and advances in the profession.

Date:	Time:	Location:
10-3-14	2 p.m.	Rhoades Conference Rm. Health Licensing Office, 700 Summer St. NE, Suite 320 Salem OR 97301-1287

Hearing Officer: Anne Thompson

Stat. Auth.: ORS 675.410 & 676.615

Stats. Implemented: ORS 675.360-675-410

Proposed Adoptions: 331-810-0010, 331-810-0025, 331-810-0060

Proposed Amendments: 331-800-0010, 331-800-0020, 331-810-0020, 331-810-0030, 331-810-0040, 331-810-0050, 331-820-0020, 810-830-0010, 331-830-0020, 331-840-0010, 331-840-0020, 331-840-0040, 331-840-0060, 331-840-0070, 331-850-0010, Rules in 331-810, 331-820, 331-840

Proposed Repeals: 331-810-0038, 331-810-0050, 331-820-0010, 331-830-0005, 331-840-0030, 331-840-0050

Last Date for Comment: 10-3-14, 4:30 p.m.

Summary: The Sex Offender Treatment Board's rules regarding the certification of clinical sex offender treatment therapists and associate sex offender therapists must be brought up to date to keep pace with changes to guidelines, ethics and advances in the profession.

Rules Coordinator: Samantha Patnode

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

Telephone: (503) 373-1917

.....
Rule Caption: Expand time allowed to take national exam and add pathway allowing training/examination for polysomnography.

Date:	Time:	Location:
9-29-14	9 a.m.	Veterans Affairs Auditorium 700 Summer St. NE Salem OR, 97301

Hearing Officer: Samantha Patnode

Stat. Auth.: ORS 676.615 & 688.815

Other Auth.: ORS 183.390

Stats. Implemented: ORS 688.815, 688.819 & 688.830

Proposed Amendments: 331-710-0050

Last Date for Comment: 9-29-14, 5 p.m.

Summary: On June 6, 2014 the Health Licensing Office (HLO) received a Petition to Amend Administrative Rule 331-710-0050 from Legacy Health. According to ORS 183.390 HLO and the Respiratory Therapist and Polysomnographic Technologist Board (Board) are required, within 90 days of the receipt of a Petition for Rulemaking, obtain public comment. After public comment is received and considered the Board must then decide whether to begin the rulemaking process or deny the petition request.

The Board met on August 1, 2014 and decided to initiate the rule-making process.

The proposed amendment would allow an applicant under polysomnographic licensure application requirements pathway one to have taken the national examination up to five years before application for licensure rather than two.

The proposed amendment would also add an additional licensing pathway under polysomnographic licensure application requirements allowing experienced technologists from out of state to become licensed with three years of training or work experience within the last five years, completion of the AASM A-STEP Self Study Modules, or official transcripts and passage of the board approved examinations including the Oregon Laws and Rules Examination for Polysomnography.

Rules Coordinator: Samantha Patnode

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

Telephone: (503) 373-1917

.....
Health Licensing Office,
Behavior Analysis Regulatory Board
Chapter 824

Rule Caption: Rules establish criteria for the licensing and registration of professionals who provide behavior analytic services.

Date:	Time:	Location:
9-30-14	3 p.m.	Oregon Employment Dept. Auditorium 875 Union St. NE Salem, OR 97311

Hearing Officer: Anne Thompson

Stat. Auth.: ORS 676.800

Stats. Implemented: ORS 676.800

Proposed Adoptions: 824-010-0005, 824-010-0010, 824-010-0020, 824-010-0030, 824-010-0040, 824-020-0010, 824-020-0020, 824-020-0030, 824-020-0040, 824-030-0010, 824-030-0020, 824-030-0030, 824-030-0040, 824-040-0010, 824-050-0010, 824-060-0010

Last Date for Comment: 9-30-14, 5:30 p.m.

Summary: The Behavior Analysis Regulatory Board's rules establish the criteria for the licensing of behavior analysts and assistant behavior analysts and the registration of licensed health care professionals and behavior analysis interventionists. The rules also establish guidelines for the professional methods and procedures used by individuals licensed and registered under this board.

Rules Coordinator: Samantha Patnode

Address: Health Licensing Office, Behavior Analysis Regulatory Board, 700 Summer St. NE, Suite 320, Salem, OR 97301

Telephone: (503) 373-1917

.....
Landscape Contractors Board
Chapter 808

Rule Caption: Amend operating budget from July 1, 2013 through June 30, 2015.

Date:	Time:	Location:
9-30-14	9 a.m.	LCB, 2111 Front St. NE Suite 2-101 Salem, OR 97301

Hearing Officer: Shelley Sneed

Stat. Auth.: ORS 182.462

Stats. Implemented: ORS 182.462 & 671

Proposed Amendments: 808-001-0008

Last Date for Comment: 9-30-14, Close of Hearing

Summary: Amend operating budget from July 1, 2013 through June 30, 2015.

Rules Coordinator: Kim Gladwill-Rowley

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

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

NOTICES OF PROPOSED RULEMAKING

Rule Caption: Clarifies how to restore a revoked license that has not been permanently revoked.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 671.610

Proposed Adoptions: 808-003-0231

Last Date for Comment: 9-30-14, Close of Business

Summary: Clarifies how to restore a revoked license that has not been permanently revoked.

Rules Coordinator: Kim Gladwill-Rowley

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

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

Rule Caption: Exam score to become a managing employee/owner valid one year after receipt of license application.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 671.570

Proposed Amendments: 808-003-0065

Last Date for Comment: 9-30-14, Close of Business

Summary: Allows a passing exam score for Laws, Rules, and Business Practices section to become a managing employee/owner to be valid for one year after receipt of a license application, if that applicant has been the managing employee or managing owner of a licensed business within two years proceeding the date of receipt of the license application.

Rules Coordinator: Kim Gladwill-Rowley

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

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

Rule Caption: Clarifies when an arbitration award is considered "issued."

Stat. Auth.: ORS 183.310–183.500, 670.310 & 671.670

Stats. Implemented: ORS 183

Proposed Amendments: 808-008-0425

Last Date for Comment: 9-30-14, Close of Business

Summary: Clarifies when an arbitration award is considered "issued."

Rules Coordinator: Kim Gladwill-Rowley

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

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

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

Rule Caption: Permanent repeal of OAR 309-012-0070 regarding charges for reproduction of medical records.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 492.440

Proposed Repeals: 309-012-0070

Last Date for Comment: 9-24-14, Close of Business

Summary: These rules implement ORS 192.440, related to charges for the reproduction of medical records.

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 repeal of OAR 309-013-0120 through 0220 relating to audit guidelines.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 184.360(3)

Proposed Repeals: 309-013-0120, 309-013-0130, 309-013-0140, 309-013-0150, 309-013-0160, 309-013-0170, 309-013-0180, 309-013-0190, 309-013-0200, 309-013-0210, 309-013-0220

Last Date for Comment: 9-24-14, Close of Business

Summary: These rules address audits of community mental health programs, mental health organizations and their subcontractors and vendors, and any service provider agreeing to offer services through direct contract with the 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

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

Rule Caption: Revise OHP Exclusions, Definitions, Copayment Table, and Codification Corrections

Date: 9-16-14

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

Stats. Implemented: ORS 414.025, 414.065 & 414.705

Proposed Amendments: 410-120-0000, 410-120-1160, 410-120-1200, 410-120-1230, 410-120-1260

Last Date for Comment: 9-18-14, 5 p.m.

Summary: Revising the General Rules and correcting rule citations, acronyms, and codifications. Revising the exclusion and limitations rules to clarify that limitations are subject to the HERC prioritized list, or removing limits that are included already within the HERC list, and correcting the copayment table to align with the policy.

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: Expand Oral Health Services in Medical Settings by Opening D0191 for Children under Age Six

Date: 9-16-14

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 & 414.707

Stats. Implemented: ORS 414.065 & 414.707

Proposed Amendments: 410-123-1260

Last Date for Comment: 9-18-14, 5 p.m.

Summary: With this Notice of Proposed Rulemaking Hearing, the Division of Medical Assistance Programs (Division) proposes to amend OAR 410-123-1260 to expand coverage of oral health services in medical settings for children under age six. The amendment accomplishes this by adding limited coverage of dental CDT code D0191 (Assessment of a Patient) for children under age six when:

1. The service includes a caries risk assessment using a standardized tool endorsed by First Tooth, the American Dental Association, the American Academy of Pediatric Dentistry, or the American Academy of Pediatrics;

2. Performed by a physician, licensed physician assistant, or advance practice nurse; and

3. The provider holds a certificate of completion within the previous three years from "Smiles for Life: A National Oral Health Curriculum" or the Oregon Oral Health Coalition's "First Tooth" training.

This rule also proposes to limit reimbursement under the new coverage to once every 12 months.

NOTICES OF PROPOSED RULEMAKING

The Division revised the remainder of the rule as necessary “housekeeping” to reflect current practices or for textual consistency and accuracy.

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: Amending Prior Authorization Guide—March 27, May 29, July 31, 2014 DUR/P&T Action
Date: 9-16-14 **Time:** 10:30 a.m. **Location:** 500 Summer St. NE Salem, OR 907301

Hearing Officer: Sandy Cafourek
Stat. Auth.: ORS 413.032, 413.042, 414.065, 414.325, 414.330–414.414, 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: 9-18-14, 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:

Central Nervous (CNS) Sedatives — Non Benzodiazepines — updated criteria.

Central Nervous (CNS) Sedatives — Quantity Limit — updated criteria.

Central Nervous (CNS) Sedatives — Therapy duplication — updated criteria.

Hepatitis B Antivirals — updated criteria.

Ivacaftor (Kalydeco®) — updated criteria.

Multi-Vitamins and Antioxidant Multivitamin Combinations — new criteria.

Hormones Testosterone — updated criteria.

Oral Direct Factor Xa inhibitor — updated criteria.

Oral Direct Thrombin inhibitor — updated criteria.

Platelet inhibitor — updated criteria.

Sofosbuvir (Sovaldi®) — 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

Rule Caption: Establish an Incentive Payment Program for Hospitals Meeting Specific Performance Standards
Date: 9-16-14 **Time:** 10:30 a.m. **Location:** 500 Summer St. NE, Rm. 137B Salem, OR 97301

Hearing Officer: Sandy Cafourek
Stat. Auth.: ORS 414.746
Stats. Implemented: ORS 414.065
Proposed Adoptions: 410-125-0162
Last Date for Comment: 9-18-14, 5 p.m.

Summary: Establish the Hospital Transformation Performance Program (HTPP) that will allow hospitals to earn incentive payments by meeting specific performance standards that advance health systems transformation, reduce hospital costs, and improve patient safety.

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: Home Uterine Monitoring Rule Rewritten for Clarity
Date: 9-16-14 **Time:** 10:30 a.m. **Location:** 500 Summer St. NE Salem, OR 97301

Hearing Officer: Sandy Cafourek
Stat. Auth.: ORS 413.042 & 414.065
Stats. Implemented: ORS 414.065
Proposed Amendments: 410-122-0260
Last Date for Comment: 9-18-14, 5 p.m.
Summary: The rule language is being amended to clarify rental coverage and prior authorization requirements.
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: Eye Prostheses Rule Rewritten for Clarity
Date: 9-16-14 **Time:** 10:30 a.m. **Location:** 500 Summer St. NE Salem, OR 97301

Hearing Officer: Sandy Cafourek
Stat. Auth.: ORS 413.042 & 414.065
Stats. Implemented: ORS 414.065
Proposed Amendments: 410-122-0640
Last Date for Comment: 9-18-14, 5 p.m.
Summary: The rule language amended to clarify age limitations and documentation requirements.

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: Final Orders, Dismissals, and Withdrawals; Contested Case Appeals
Stat. Auth.: ORS 183.452, 411.060, 411.404, 411.816, 412.014 & 412.049
Stats. Implemented: ORS 183.452, 411.060, 411.404, 411.816, 412.014 & 412.049
Proposed Amendments: 410-200-0145, 410-200-0146
Proposed Repeals: 410-200-0145(T), 410-200-0146(T)
Last Date for Comment: 9-18-14, 5 p.m.

Summary: OAR 410-200-0146 about final orders, dismissals, and withdrawals in the Division of Medical Assistance programs’ medical program hearings is being amended to state that an untimely request for hearing is referred to the Office of Administrative Hearings to determine whether the claimant received the notice. The term “appeal” is changed to “hearing.” This amendment reflects Oregon Health Authority’s actual process and makes it consistent with ORS 413.038(3).

OAR 410-200-0145 about contested case appeals is being amended to change the term “appeal” to “hearing” in order to make it consistent with state statutes, Department of Justice model rules, and OAR 410-200-0146.

Rules Coordinator: Sandy Cafourek
Address: Oregon Health Authority, Division of Medical Assistance Programs, 500 Summer St. NE, Salem, OR 97301
Telephone: (503) 945-6430

Oregon Health Authority, Oregon Educators Benefit Board Chapter 111

Rule Caption: Updates made to plan selection offerings as well as other housekeeping amendments
Date: 9-25-14 **Time:** 10 a.m. **Location:** OEGB Boardroom 1225 Ferry St. SE Salem, OR 97301

Hearing Officer: OEGB Staff
Stat. Auth.: ORS 243.860–243.886
Stats. Implemented: ORS 243864(1)(a)
Proposed Amendments: 111-070-0005, 111-070-0030, 111-070-0040

NOTICES OF PROPOSED RULEMAKING

Last Date for Comment: 9-30-14, 5 p.m.

Summary: Amendments made to 111-070-0005 update the plan selection offerings for this population of eligible individuals. House-keeping amendments made to 111-070-0030 and 0040 to keep language consistent with other OEBB Oregon Administrative Rules.

Rules Coordinator: April Kelly

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

Telephone: (503) 378-6588

**Oregon Health Authority,
Public Health Division
Chapter 333**

Rule Caption: Revisions to Breast and Cervical Cancer Program rules regarding underinsured definition, enrollment, claims and rates

Date:	Time:	Location:
9-19-14	2 p.m.	Portland State Office Bldg. 800 NE Oregon St., Rm. 1C Portland, OR 97232

Hearing Officer: Jana Fussell

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042

Proposed Amendments: 333-010-0100, 333-010-0105, 333-010-0115, 333-010-0150, 333-010-0155

Proposed Repeals: 333-010-0105(T), 333-010-0155(T)

Last Date for Comment: 9-22-14, 5 p.m.

Summary: The Oregon Health Authority, Public Health Division, Center for Prevention and Health Promotion is proposing to permanently amend administrative rules in chapter 333, division 10 pertaining to the Breast and Cervical Cancer Program. These proposed amendments will:

- Amend the definition of "site number" under OAR 333-010-0105(17) to change the term "family planning service provider" to "provider."

- Amend the definition of "uninsured" under OAR 333-010-0105(18) to align with policy guidance from the CDC's National Breast and Cervical Cancer Program (NBCCEDP).

- Amend OAR 333-010-0115 to require BCCP providers with access to the Medicaid Management Information System (MMIS) to verify that a BCCP applicant is not currently receiving Medicaid.

- Amend OAR 333-010-0150 to reduce the timeline for provider claim submission and reconciliation.

- Amend OAR 333-010-0155(3) to accurately reflect policy that reimbursement rate paid by BCCP may not exceed maximum Medicare rates in the state.

Rules Coordinator: Brittany Sande

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

Telephone: (971) 673-1291

Rule Caption: Revisions to WISEWOMAN Program rules regarding eligibility, client services, and update claim submission timeline

Date:	Time:	Location:
9-19-14	2 p.m.	Portland State Office Bldg. 800 NE Oregon St., Rm. 1C Portland, OR 97232

Hearing Officer: Jana Fussell

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042 & 431.250

Proposed Amendments: 333-010-0200, 333-010-0205, 333-010-0210, 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

Proposed Repeals: 333-010-0205(T), 333-010-0215(T), 333-010-0220(T), 333-010-0225(T), 333-010-0235(T), 333-010-0245(T), 333-010-0250(T), 333-010-0260(T), 333-010-0265(T), 333-010-0270(T), 333-010-0275(T), 333-010-0280(T), 333-010-0285(T), 333-010-0290(T)

Last Date for Comment: 9-22-14, 5 p.m.

Summary: The Oregon Health Authority, Public Health Division, Center for Prevention and Health Promotion is proposing to permanently amend administrative rules in chapter 333, division 10 pertaining to the WISEWOMAN Program.

The proposed permanent amendments must be made to the WISEWOMAN Program administrative rules in order to comply with the program's funder's, the Centers for Disease Control and Prevention (CDC), requirement to begin screening services.

- Amend 333-010-0210 eligibility criteria for the program to reflect CDC policy guidance.

- Make temporary amendment of 333-010-0225 permanent. Amendment replaces listed values with a statement that directs readers to the biometric guidelines published in the WISEWOMAN Program Manual.

- Make temporary amendment of 333-010-0235 permanent. Amendment replaces an obsolete list of services with a statement that directs readers to current comprehensive list of services published in the WISEWOMAN Program Manual.

- Amend 333-010-0245 to reduce the timeline for provider claim submission and reconciliation.

- Make temporary amendment updating all references to an "enrolled" provider with the term "enrolling" provider permanent. Temporary amendment was made to reflect the language used in the Medical Service Agreements.

- Other housekeeping changes throughout, including the change from "Office of Family Health (OFH)" to "Center for Prevention and Health Promotion (Center)" to reflect changes in Public Health Division structure.

Rules Coordinator: Brittany Sande

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

Telephone: (971) 673-1291

Rule Caption: New program rules for Ryan White Part B, HIV Case Management Program

Date:	Time:	Location:
9-23-14	10 a.m.	827 NE Oregon St., Rm. 827A Portland, OR 97232

Hearing Officer: Jana Fussell

Stat. Auth.: ORS 413.042, 431.250 & 431.830

Stats. Implemented: ORS 431.250 & 431.830

Proposed Adoptions: 333-022-2000, 333-022-2010, 333-022-2020, 333-022-2030, 333-022-2040, 333-022-2050, 333-022-2060, 333-022-2070, 333-022-2080, 333-022-2090, 333-022-2100, 333-022-2110, 333-022-2120

Last Date for Comment: 9-26-14, 5 p.m.

Summary: The Oregon Health Authority, Public Health Division, HIV Community Program is proposing to adopt rules to govern the administration of the Ryan White Part B, HIV Case Management Program. The program currently has policies and procedures but must formalize these through the rulemaking process. The proposed rules generally reflect current practice and the manner in which the program has been operating. They do not represent any significant change in who are eligible, services provided, or how the program services will be administered.

Rules Coordinator: Brittany Sande

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

Telephone: (971) 673-1291

NOTICES OF PROPOSED RULEMAKING

Rule Caption: Implementing changes to the Oregon Indoor Clean Air Act (ICAA)

Date:	Time:	Location:
9-16-14	2 p.m.	Portland State Office Bldg. Room 1A 800 NE Oregon St. Portland, OR 97232
9-18-14	10 a.m.	Mike Maier Bldg. Community Boardroom. 1130 NW Harriman St. Bend, OR 97701

Hearing Officer: Jana Fussell

Stat. Auth.: ORS 433.855

Stats. Implemented: ORS 433.835–433.870

Proposed Adoptions: 333-015-0078

Proposed Amendments: 333-015-0030, 333-015-0035, 333-015-0040, 333-015-0045, 333-015-0064, 333-015-0068, 333-015-0070, 333-015-0075, 333-015-0085

Last Date for Comment: 9-22-14, 5 p.m.

Summary: The Oregon Health Authority, Public Health Division, is proposing permanent amendments to chapter 333, division 15, pertaining to the Oregon Indoor Clean Air Act (ICAA). The proposed rulemaking:

(1) Amends and adds definitions to bring the rules into line with the ICAA, better reflect the purpose of the statute, and add clarity to the rules.

(2) Clarifies consequences for:

(a) Denying a site visit for smoke shop and cigar bar inspections;

(b) When certifications expire or are not renewed

(3) Ensures consistency with terms (e.g. “workplace” and “place of employment”).

(4) Adds penalties and violations for:

(a) Failure of an employer or entity in charge to cooperate in developing a remediation plan.

(b) Failure of an employer or entity in charge of a public place, a cigar bar or smoke shop to permit the Authority or the Local Public Health Authority to inspect all or any part of the premises.

(c) Failure of an employer to provide a smokefree place of employment by permitting smoking within 10 feet of the entrances, exits, windows that open, ventilation intakes that serve an enclosed area, and accessibility ramps.

(5) Removes the civil penalty limit because the limit in ORS 433.990 only applies to fines and not to civil penalties.

Rules Coordinator: Brittany Sande

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

Telephone: (971) 673-1291

.....

Rule Caption: New program rules for Ryan White Part B, AIDS Drug Assistance Program — CAREAssist

Date:	Time:	Location:
9-23-14	10 a.m.	827 NE Oregon St., Rm. 827A Portland, OR 97232

Hearing Officer: Jana Fussell

Stat. Auth.: ORS 413.042, 431.250 & 431.830

Stats. Implemented: ORS 431.250 & 431.830

Proposed Adoptions: 333-022-1010, 333-022-1020, 333-022-1030, 333-022-1040, 333-022-1050, 333-022-1060, 333-022-1070, 333-022-1080, 333-022-1090, 333-022-1100, 333-022-1110, 333-022-1120, 333-022-1130, 333-022-1140, 333-022-1145, 333-022-1150, 333-022-1160, 333-022-1170

Proposed Ren. & Amends: 410-121-3000 to 333-022-1000

Last Date for Comment: 9-26-14, 5 p.m.

Summary: The Oregon Health Authority (Authority), Pharmacy Programs, AIDS Drug Assistance Program/CAREAssist is proposing to adopt rules to govern the administration of the Ryan White Part B, AIDS Drug Assistance Program. These proposed rules describe the services provided by the AIDS Drug Assistance Program, also known as CAREAssist and is one part of the Ryan White Part B

program. The proposed rules outline eligibility criteria, the enrollment process, allowable services, client rights, inactivation/termination from the program and hearing rights.

Rules Coordinator: Brittany Sande

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

Telephone: (971) 673-1291

.....

Oregon Housing and Community Services Department Chapter 813

Rule Caption: Amends the program name, adds definitions and amends the program requirements

Date:	Time:	Location:
9-29-14	10 a.m.	725 Summer St. NE, Rm 124A Salem, OR 97301

Hearing Officer: Sandy McDonnell

Stat. Auth.: ORS 315.163–315.169 & 456.555

Stats. Implemented: ORS 315.163–315.169

Proposed Adoptions: 813-041-0006

Proposed Amendments: 813-041-0000, 813-041-0010, 813-041-0015, 813-041-0020, 813-041-0027

Proposed Repeals: 813-041-0030

Last Date for Comment: 10-2-14, 5 p.m.

Summary: The program encourages the rehabilitation of existing housing and the construction or placement of additional housing for agriculture workers. The proposed amendments to the rules reflect a name change for the program, adds definitions to common terms within the program, clarifies the factors that may be considered in prioritizing applications, and clarifies language surrounding the department’s ability to assess charges. Rules surrounding monitoring requirements have been removed from the 813-041 and are located within the department’s general rules under 813-005-0040 .

Rules Coordinator: Sandy McDonnell

Address: Oregon Housing and Community Services Department, 725 Summer St. NE, Suite B, Salem, OR 97301

Telephone: (503) 986-2012

.....

Rule Caption: Increases the single and multi-family award limits required for State Housing Council approval.

Date:	Time:	Location:
10-2-14	10 a.m.	725 Summer St., Rm. 124A Salem OR 97301

Hearing Officer: Sandy McDonnell

Stat. Auth.: ORS 90.630, 90.771–90.775, 90.800–90.840, Ch. 813, 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, Ch. 813, 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

Proposed Amendments: 813-001-0007

Proposed Repeals: 813-001-0007(T)

Last Date for Comment: 10-2-14, 5 p.m.

Summary: The amendments will increase the single family and multi-family award limits that require approval by the State Housing Council

Rules Coordinator: Sandy McDonnell

Address: Oregon Housing and Community Services Department, 725 Summer St. NE, Suite B, Salem, OR 97301

Telephone: (503) 986-2012

.....

Rule Caption: Increases the award limits required for State Housing Council approval and removes manual date.

Date:	Time:	Location:
10-2-14	10 a.m.	725 Summer St. NE, 124A Salem OR 97301

Hearing Officer: Sandy McDonnell

NOTICES OF PROPOSED RULEMAKING

Stat. Auth.: ORS 90.630, ORS 90.771–90.775, ORS 90.800–90.840, 813, ORS 315.271, ORS 317.097, ORS 446.525–446.543, ORS 456.515–456.725, ORS 458.210–458.365, ORS 458.405–458.460, ORS 458.505–458.740, ORS 566.310–566.350, ORS 757.612–757.617

Stats. Implemented: ORS 456.515–456.720

Proposed Amendments: 813-005-0005, 813-005-0020

Proposed Repeals: 813-005-0005(T), 813-005-0020(T)

Last Date for Comment: 10-2-14, 5 p.m.

Summary: 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

Address: Oregon Housing and Community Services Department, 725 Summer St. NE, Suite B, Salem, OR 97301

Telephone: (503) 986-2012

.....
**Oregon Military Department,
Office of Emergency Management
Chapter 104**

Rule Caption: Participation of Local and Tribal governments in FEMA's Emergency Management Performance Grant (EMPG) program.

Date:	Time:	Location:
10-24-14	10 a.m.	OEM 3225 State St., Rm. 115 Salem, OR 97301

Hearing Officer: Kelly Jo Craigmiles

Stat. Auth.: ORS 401.092

Other Auth.: ORS 401.305

Stats. Implemented: ORS 401.096

Proposed Amendments: 104-010-0005

Last Date for Comment: 10-17-14, Close of Business

Summary: Proposed rulemaking is for an administrative update to OAR 104-010-0005(1) through OAR 104-010-0005(7)(i), incorporating the move of Oregon's Office of Emergency Management to Oregon Military Department, as well as addressing the eligibility and inclusion of Tribal Nations participation in FEMA's EMPG program; implementing the 2013 Legislative changes to ORS 401.305.

Rules Coordinator: Cherie Cline

Address: Oregon Military Department, Office of Emergency Management, PO Box 14370, Salem, OR 97309-5062

Telephone: (503) 378-2911, ext. 22221

.....
**Public Utility Commission
Chapter 860**

Rule Caption: In the Matter of Rulemaking to Implement 2013 Senate Bill 844: Voluntary Emissions Reduction Program

Date:	Time:	Location:
9-23-14	9:30 p.m.	Public Utility Commission 3930 Fairview Industrial Dr. SE Salem, OR 97302

Hearing Officer: Sarah Rowe

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

Stats. Implemented: ORS 757.539

Proposed Adoptions: 860-085-0500 – 860-085-1000

Last Date for Comment: 10-7-14, 5 p.m.

Summary: As required by ORS 757.539, the rules propose to establish a voluntary emission reduction program to provide incentive for a utility furnishing natural gas to invest in projects that reduce emissions and provide benefits to the customers of that utility.

The Commission encourages participants to file written comments as early as practicable in the proceedings so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. AR 580 on comments and

file them by e-mail to the Commission's Filing Center at PUC. FilingCenter@state.or.us and also send a signed paper copy to the Filing Center at PO Box 1088, Salem, Oregon 97308-1088.

Interested persons may review all filings online at <http://apps.puc.state.or.us/edockets/docket.asp?DocketID=18862>. For guidelines on filing and participation, please see OAR 860-001-0140 through 860-001-0160 and 860-001-0200 through 860-001-0250 found online at http://arcweb.sos.state.or.us/pages/rules/oars_800/oar_860/860_001.html.

Participants wishing to monitor the hearing by telephone must contact Diane Davis at diane.davis@state.or.us or (503) 378-4372 by close of business September 19, 2014, to request a dial-in number. The Commission strongly encourages those planning to present oral comment at the hearing to attend in person.

Rules Coordinator: Diane Davis

Address: Public Utility Commission of Oregon, PO Box 1088, Salem, OR 97308-1088

Telephone: (503) 378-4372

.....
Rule Caption: In the Matter of Updates to OAR 860-084-0150, 860-084-0190, and 860-084-0220.

Stat. Auth.: ORS 757.360–757.380; Ch. 244, OL 2013

Stats. Implemented: ORS 757.360-757.380, Ch. 244, OL 2013

Proposed Amendments: 860-084-0150, 860-084-0190, 860-084-0220

Last Date for Comment: 9-25-14, 5 p.m.

Summary: This rulemaking is necessary to implement the legislative changes to the Solar Pilot Programs as set out in Ch. 244, OL 2013. The proposed rules implement legislative changes to add 2.5 MW to the total capacity available statewide (bringing the total to 27.5 MW), to extend the enrollment termination date from March 31, 2015 to March 31, 2016, and to allow the Commission to adopt and adjust, without rulemaking, the percentage goal for capacity deployed by residential and small commercial qualifying systems.

The Commission encourages participants to file written comments as early as practicable in the proceedings so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. AR 582 on comments and file them as a Word or PDF attachment to an e-mail addressed to the Commission's Filing Center at PUC.FilingCenter@state.or.us and also send a signed paper copy to the Filing Center at PO Box 1088, Salem, Oregon 97308-1088.

All filings are available for review online at <http://apps.puc.state.or.us/edockets/docket.asp?DocketID=19148>. For guidelines on filing and participation, please see OAR 860-001-0140 through 860-001-0160 and 860-001-0200 through 860-001-0250 found online at http://arcweb.sos.state.or.us/pages/rules/oars_800/oar_860/860_001.html.

Rules Coordinator: Diane Davis

Address: Public Utility Commission of Oregon, PO Box 1088, Salem, OR 97308-1088

Telephone: (503) 378-4372

.....
**Teacher Standards and Practices Commission
Chapter 584**

Rule Caption: Amends, adopts and repeals associated with professional educator's licensure, professional practices and preparation programs.

Stat. Auth.: ORS 183 & 342

Stats. Implemented: ORS 183.335, 183.341, 342.120–342.430, 342.445–342.495, 342.553 & 342.985

Proposed Adoptions: 584-060-0600, 584-060-0625, 584-060-0630, 584-060-0635, 584-066-0025

Proposed Amendments: 584-001-0000, 584-018-0315, 584-019-0002, 584-036-0083, 584-060-0012, 584-060-0162, 584-060-0171, 584-060-0182, 584-060-0220, 584-070-0112, 584-070-0431, 584-070-0441, 584-080-0153, 584-100-0041

Proposed Repeals: 584-038-0004, 584-060-0062, 584-060-0071

NOTICES OF PROPOSED RULEMAKING

Proposed Ren. & Amends: 584-060-0250 to 584-060-0682
Last Date for Comment: 11-6-14, 12 p.m.
Summary: Amends, adopts, repeals and renumbers rules related to Special Assignments, Substitute, International Teacher, Initial I, Counselors, Transitional and other professional educator licences. Creates rules related to Endorsements. Specializations and American Sign Language issues. Makes changes to rulemaking notice rules and other housekeeping issues.
Rules Coordinator: Victoria Chamberlain
Address: Teacher Standards and Practices Commission, 250 Division St. NE, Salem, OR 97301
Telephone: (503) 378-6813

Veterinary Medical Examining Board
Chapter 875

Rule Caption: Authorizes criminal background checks on new applicants and periodic background checks for license renewals.

Date:	Time:	Location:
9-26-14	10 a.m.	Portland State Office Bldg. 800 NE Oregon St. Rm. 445 Portland, OR

Hearing Officer: Lori Makinen
Stat. Auth.: ORS 686.210
Stats. Implemented: ORS 696.075 & 686.235
Proposed Amendments: 875-010-0010
Last Date for Comment: 9-22-14, Close of Business
Summary: Authorizes the agency to conduct criminal background checks on new license applicants and periodic background checks for license renewals.

Rules Coordinator: Lori V. Makinen
Address: Veterinary Medical Examining Board, 800 NE Oregon St., Suite 407, Portland, OR 97232
Telephone: (971) 673-0224

Rule Caption: Establishes veterinary technician licensure reciprocity with other states.

Stat. Auth.: ORS 686.210
Stats. Implemented: ORS 686.350–686.370
Proposed Amendments: 875-030-0010
Last Date for Comment: 9-22-14, Close of Business
Summary: Creates eligibility for Certified Veterinary Technician licensure for other states' qualified applicants.
Rules Coordinator: Lori V. Makinen
Address: Veterinary Medical Examining Board, 800 NE Oregon St., Suite 407, Portland, OR 97232
Telephone: (971) 673-0224

Rule Caption: Corrects language in Division 15, changes 'veterinary medical facility' to 'veterinarian.'

Stat. Auth.: ORS 686.210
Stats. Implemented: ORS 686.040 & 686.370
Proposed Amendments: 875-015-0030
Last Date for Comment: 9-22-14, Close of Business
Summary: Changes 'Each veterinary medical facility shall comply with the following:' to 'Each veterinarian shall comply with the following:'.
Rules Coordinator: Lori V. Makinen
Address: Veterinary Medical Examining Board, 800 NE Oregon St., Suite 407, Portland, OR 97232
Telephone: (971) 673-0224

Water Resources Department
Chapter 690

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

Date:	Time:	Location:
9-18-14	6 p.m.	Oregon Institute of Technology 3201 Campus Drive Mt. Mazama Rm. Klamath Falls, OR

Hearing Officer: John Roberts
Stat. Auth.: ORS 536.025, 536.027 & 536.750
Other Auth.: OAR 690-019-0070
Stats. Implemented: ORS 536.750
Proposed Adoptions: 690-022-0020, 690-022-0025, 690-022-0030

Last Date for Comment: 9-19-14, 5 p.m.
Summary: ORS 536.750 authorizes the Oregon Water Resources Commission, pursuant to a gubernatorial declaration of drought, to grant preference of water use for human consumption and stock watering over other uses of water regardless of priority date. Without the preference, the use of water for human consumption and stock watering would be subject to regulation, and as a result, water that would otherwise be used to meet these needs would not be available. For some water users, there are no readily available alternative sources of water for either stock watering or human consumption. These rules propose to grant a preference for the use of water for stock watering and human consumption in Klamath County during a governor declared drought emergency in Klamath County.

Rules Coordinator: Cindy Smith
Address: Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301
Telephone: (503) 986-0876

Rule Caption: Rulemaking Amends Division 33 Upper Columbia Rules to achieve consistency with ODFW Habitat Mitigation rules.

Date:	Time:	Location:
9-22-14	1 p.m.	OWRD 725 Summer St. NE, Rogue Rm. Salem, OR
9-25-14	1 p.m.	Oxford Suites 1050 N 1st St., Walleye Rm. Hermiston, OR

Hearing Officer: Dwight French
Stat. Auth.: ORS 536.027 & 537.140–537.190
Stats. Implemented: ORS 537.140–537.190
Proposed Amendments: 690-033-0120
Last Date for Comment: 9-30-14, 5 p.m.

Summary: Within OWRD's current Division 33 Upper Columbia Rules, OAR 690-033-0120 (4) references the ODFW Fish and Wildlife Habitat Mitigation Policy rule that were subsequently modified after adoption of these rules. The proposed rule amendment to OAR 690-033-0120 (4) is to reference current ODFW Implementation of Department Habitat Mitigation Recommendations (635-415-0025). This amendment will result in OAR 690-033-0120(4) being consistent with ODFW rules. In addition rule change would remove two unnecessary hyphens [690-033-0120 (1) & (2)(a)], update the title of the Northwest Power Planning Council to its current title and update the statutory reference for fish screen design, installation, operation specifications and passage requirements [690-033-0120 (2)(c)] to achieve consistency with current ODFW revised statute references.

Rules Coordinator: Cindy Smith
Address: Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301
Telephone: (503) 986-0876

Rule Caption: Adjustment of Transaction Fees Set By Rule

Date:	Time:	Location:
10-1-14	2 p.m.	OWRD, 725 Summer St. NE, Rm 124B Salem, OR

Hearing Officer: Tim Wallin
Stat. Auth.: ORS 536.050

NOTICES OF PROPOSED RULEMAKING

Other Auth.: HB 2259 (2013)

Stats. Implemented: ORS 537.143 & 537.144, 537.040, 537.150, 537.620, 537.610, 540.505–540.532 & HB 2123 (2005 Oregon Water Laws Ch. 614)

Proposed Amendments: 690-340-0030, 690-340-0040, 690-310-0080, 690-382-0400

Last Date for Comment: 10-3-14, 5 p.m.

Summary: HB 2259 authorized transaction fee increases that average 13% to cover annual inflationary costs over a four-year period. Most of the fee adjustments are made in statute; those fees set in rule are addressed in this rulemaking.

Rules Coordinator: Cindy Smith

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

Telephone: (503) 986-0876

.....

Rule Caption: Dam safety administration, engineering design requirements, approvals and emergency preparations

Date:	Time:	Location:
9-29-14	1 p.m.	OWRD 725 Summer St. NE, Rm. 124A Salem, OR 97301

Hearing Officer: Keith Mills

Stat. Auth.: ORS 540.350, 540.360, 540.370, 540.380 & 540.390

Other Auth.: ORS 536.050(2)

Stats. Implemented: ORS 183, 536 & 540

Proposed Adoptions: 690-020-0003, 690-020-0036, 690-020-0037, 690-020-0038, 690-020-0041, 690-020-0042, 690-020-0043, 690-020-0047, 690-020-0048, 690-020-0055, 690-020-0060, 690-020-0065, 690-020-0070, 690-020-0080, 690-020-0120, 690-020-0150, 690-020-0250, 690-020-0300, 690-020-0350, 690-020-0400

Proposed Amendments: 690-020-0000, 690-020-0022, 690-020-0025, 690-020-0035, 690-020-0100, 690-020-0200

Proposed Repeals: 690-020-0029

Proposed Ren. & Amends: 690-020-0050 to 690-020-0500

Last Date for Comment: 10-3-14, 5 p.m.

Summary: The purpose of these rules is to implement ORS 540.350 through 540.390 with actions that are intended to ensure the safety of dams insofar as they may affect possible damage to life or property. These changes update rules to reflect current engineering and safety practices used to keep dams safe. The rules are objective-based, with additional standards for higher hazard ratings (potential for an accidental dam breach that could damage property or result

in loss of life). The general requirements for engineering design, drawings specifications and administration are detailed in these rules, as is the approval process used by the water resources department; how the hazard rating is determined, and uses of the dam safety fee.

Rules Coordinator: Cindy Smith

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

Telephone: (503) 986-0876

.....

Rule Caption: Well construction rules focused on: Bentonite seals, deepening, sparge wells, grout reporting and closed loops.

Date:	Time:	Location:
9-24-14	3 p.m.	OWRD 725 Summer St. NE, Rm. 124 Salem, OR

Hearing Officer: Brenda Bateman

Stat. Auth.: ORS 183, 536, 537 & 540

Stats. Implemented: ORS 183, 536, 537 & 540

Proposed Amendments: Rules in 690-200, 690-210, 690-215, 690-240

Last Date for Comment: 10-3-14, 5 p.m.

Summary: The proposed rule changes vary in scope and include:

- Changes the classification of a sparge well from a geotechnical hole to a monitoring well.
- Requires well constructors to calculate and report how much sealing material is required and how much is used when placing an annular seal.
- Clarifies the requirements when deepening an existing well and requires a copy of the original well report or the original well report number to be submitted with the deepening well report.
- Corrects a rule reference error in the Geotechnical Hole rules.
- Clarifies that the quality of water cannot interfere with the proper hydration of bentonite in closed loop installations.
- Allows Unhydrated bentonite to be used to 200 feet and through up to 50 feet of standing water to seal water supply wells.
- Requires unhydrated bentonite to be screened during placement through water, water quality to be tested and describes when it cannot be used.

Rules Coordinator: Cindy Smith

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

Telephone: (503) 986-0876

ADMINISTRATIVE RULES

Board of Architect Examiners Chapter 806

Rule Caption: Certificates, Architect Emeritus

Adm. Order No.: BAE 4-2014

Filed with Sec. of State: 7-24-2014

Certified to be Effective: 7-24-14

Notice Publication Date: 7-1-2014

Rules Amended: 806-010-0040, 806-010-0130

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

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

806-010-0040

Certificates

(1) Certificates shall be signed by the Chairman, or the Vice Chairman, and the Administrator and shall have an impression of the Seal of the Board.

(2) Architectural firm certificates and Architect Emeritus certificates shall be signed by the Chairman or the Administrator and shall have an impression of the Seal of the Board.

(3) When a certificate previously issued has been lost or destroyed, a duplicate certificate may be obtained by contacting the Board office and paying the fee in OAR 806-010-0105(5).

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.085

Hist.: AE 5, f. 12-22-64; AE 7, f. 6-5-69, ef. 8-22-69; AE 11, f. 2-15-74, ef. 3-11-74; AE 19(Temp), f. & ef. 10-7-77; AE 20, f. & ef. 12-20-77; AE 1-1979, f. 5-31-79, ef. 6-1-79; AE 1-1987, f. & ef. 3-30-87; BAE 2-1998, f. & cert. ef. 6-22-98; BAE 4-2014, f. & cert. ef. 7-24-14

806-010-0130

Architect Emeritus

The title of "Architect Emeritus" may be granted, at the discretion of the Board upon submission of an application from an Oregon registered architect who is currently in good standing with the Board.

(1) To be eligible for consideration, the architect must:

(a) Be at least 60 years of age;

(b) Have practiced architecture in Oregon for a period of not less than 20 years; and

(c) Have been an Oregon resident during the architect's active architectural practice and licensure by this Board for a minimum of five (5) consecutive years.

(2) There are no fees for Architect Emeritus status.

(3) Architect Emeritus is an inactive status. The individual is not eligible to practice architecture in Oregon and may not use the architect title.

(4) In order to be eligible to practice architecture in Oregon, the Architect Emeritus must comply with the reinstatement requirements found in OAR 806-010-0060.

(5) The Board reserves the right to review and approve special requests for Architect Emeritus status.

(6) The Board will issue a certificate to those receiving Architect Emeritus status according to OAR 806-010-0040.

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.085

Hist.: AE 1-1992, f. 1-9-92, cert. ef. 1-10-92; AE 1-1996, f. 1-23-96, cert. ef. 2-1-96; BAE 4-2002, f. & cert. ef. 8-7-02; BAE 4-2014, f. & cert. ef. 7-24-14

.....

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

Adm. Order No.: BAE 5-2014

Filed with Sec. of State: 7-24-2014

Certified to be Effective: 7-24-14

Notice Publication Date: 7-1-2014

Rules Amended: 806-010-0010, 806-010-0020

Subject: The updated NCARB Education Standard of 2013 necessitates revision of the rules for "Approved Architect Registration and Evaluation Programs" and "Registration by Examination." Addi-

tional wording changes are proposed to make the rules simpler and more straightforward.

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

806-010-0010

Approved Architect Registration and Evaluation Programs

(1) An applicant is required to complete acceptable accredited education, experience, and examination before they may be considered for registration as an architect in Oregon.

(2) The Oregon State Board of Architect Examiners (Board) adopts the education standard adopted by the National Council of Architectural Registration Boards (NCARB), which is a professional degree in architecture from a program accredited by the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB), or a professional degree in architecture, certified by the CACB from a Canadian University.

(3) The Board adopts the requirements for the Intern Development Program (IDP) published by NCARB as the approved internship experience program.

(4) The Board adopts the Architect Registration Examination (ARE) prepared by NCARB as the approved examination to test applicant qualifications for registration.

(5) A person may be considered as a candidate for registration by following:

(a) The rules for registration by examination in OAR 806-010-0020; or

(b) The rules for registration by reciprocity in OAR 806-010-0035; or

(c) By satisfactorily completing the Broadly Experienced Architect (BEA) program or the Broadly Experienced Foreign Architect (BEFA) program offered through NCARB.

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

Stat. Auth.: ORS 670 & 671

Stats. Implemented: ORS 671.060

Hist.: AE 5, f. 12-22-64; AE 6, f. 6-5-69; AE 11, f. 2-15-74, ef. 3-11-74; AE 13, f. & ef. 4-2-76; AE 1-1979, f. 5-31-79, ef. 6-1-79; AE 2-1983, f. & ef. 1-12-83; BAE 1-2008, f. & cert. ef. 2-28-08; BAE 5-2014, f. & cert. ef. 7-24-14

806-010-0020

Registration by Examination

(1) To become registered by examination to practice architecture in Oregon, an individual must:

(a) Complete a professional degree in architecture meeting the education standard in OAR 806-010-0010(2); and

(b) Complete all the requirements of the IDP; and

(c) Receive a passing score in all sections of the ARE; and

(d) Receive a passing score on the Jurisprudence Examination (JE); and

(e) Attend an oral interview before the Board.

(2) To qualify to begin taking the ARE an individual must:

(a) Complete an Examination Application; and

(b) Pay the Examination Application Fee in OAR 806-010-0105(3); and

(c) Have NCARB records transmitted to the Board; and

(d) Receive written authorization from the Board to begin testing.

(3) All candidates for registration by examination must comply with all NCARB rules regulating the ARE and the IDP.

(4) An individual may use the title "Architectural Intern" only after:

(a) Completing a professional degree in architecture meeting the education standard in OAR 806-010-0010(2); and

(b) Establishing a record with NCARB and enrolling in IDP; and

(c) Receiving written authorization from the Board to begin taking the ARE.

(5) All candidates for registration by examination must:

(a) Submit a complete Examination Application; and

(b) Pay required fees; and

(c) Provide all required documentation.

(6) All candidates for registration must pass the JE.

(a) Individuals will have no longer than 60 minutes to complete the JE.

(b) The minimum passing score is 84%.

(c) Test results may not be challenged.

(d) An individual failing the JE must wait 30 days before retaking the exam.

(7) After passing the JE, a candidate for registration by examination must appear before the Board for an oral interview. Oral interviews are held on regularly scheduled Board meeting dates. The candidate will be notified in writing of their oral interview date.

ADMINISTRATIVE RULES

(8) Upon successful completion of all requirements for registration by examination, the individual will be issued a certificate according to OAR 806-010-0040.

(9) No person may use the "Architect" title, except under the conditions outlined in OAR 806-010-0037 and ORS 671.065.

(10) No person may practice architecture in Oregon until the Board notifies the person in writing that registration is granted by the Board.

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

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.050, 671.060, 671.065 & 671.085

Hist.: AE 5, f. 12-22-64; AE 6, f. 6-5-69; AE 11, f. 2-15-74, ef. 3-11-74; AE 1-1978, f. & ef. 1-23-78; AE 1-1979, f. 5-31-79, ef. 6-1-79; AE 1-1980, f. & ef. 2-14-80; AE 2-1980, f. & ef. 10-3-80; AE 2-1981(Temp), f. & ef. 7-28-81; AE 2-1983, f. & ef. 1-12-83; AE 2-1984, f. & ef. 10-23-84; AE 1-1986, f. 11-12-86, ef. 11-13-86; AE 2-1992, f. & cert. ef. 3-30-92; AE 5-1992(Temp), f. & cert. ef. 10-21-92; AE 1-1993, f. & cert. ef. 7-1-93; AE 1-1996, f. 1-23-96, f. 2-1-96; AE 2-1997, f. & cert. ef. 9-24-97; BAE 2-1998, f. & cert. ef. 6-22-98; Administrative correction, 6-17-99; BAE 3-2000, f. & cert. ef. 7-24-00; BAE 5-2001, f. & cert. ef. 10-24-01; BAE 5-2002 f. 8-14-02 cert. ef. 8-15-02; BAE 4-2003, f. 8-13-03, cert. ef. 8-14-03; BAE 2-2005, f. & cert. ef. 5-12-05; BAE 1-2008, f. & cert. ef. 2-28-08; BAE 4-2009, f. & cert. ef. 7-10-09; BAE 2-2010, f. 6-11-10, cert. ef. 10-3-10; BAE 5-2014, f. & cert. ef. 7-24-14

Rule Caption: The Practice of Architecture

Adm. Order No.: BAE 6-2014

Filed with Sec. of State: 7-24-2014

Certified to be Effective: 7-24-14

Notice Publication Date: 7-1-2014

Rules Amended: 806-010-0075

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

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

806-010-0075

The Practice of Architecture

(1) The "Practice of Architecture" is defined in ORS 671.010(7) and relates to the professional activities of the registered architect. These activities include all analysis, calculations, research, graphic presentation, literary expression, and advice essential to the preparation of necessary documents for the design and construction of buildings, structures and their related environment whether interior or exterior.

(2) Individuals or firms may participate in a public architectural design competition in Oregon without first being registered by the Board if the individual or firm holds an active registration to practice architecture in another jurisdiction recognized by the Board subject to all of the following:

(a) The individual or firm may use the architect title by complying with OAR 806-010-0037.

(b) If selected as the architect for the project, the individual must apply for Oregon architect registration and is not authorized to perform architectural services on the project until registered by the Board.

(c) Prior to performing architectural services on the project under any firm name, the architect's firm must meet the requirements of OAR 806-010-0080, 806-010-0110, and ORS 671.041, and become registered with the Board.

Stat. Auth.: ORS 670 & 671

Stats. Implemented: ORS 671.010

Hist.: AE 5, f. 12-22-64; AE 1-1979, f. 5-31-79, ef. 6-1-79; AE 1-1984, f. & ef. 8-22-84; BAE 4-2005, f. 8-29-05, cert. ef. 8-30-05; BAE 1-2006, f. & cert. ef. 3-10-06; BAE 2-2006(Temp), f. 3-14-06, cert. ef. 3-15-06 thru 9-8-06; BAE 5-2006, f. & cert. ef. 9-5-06; BAE 6-2014, f. & cert. ef. 7-24-14

Board of Chiropractic Examiners Chapter 811

Rule Caption: The rule amendment clarifies minimum requirements for clinical record keeping and documentation

Adm. Order No.: BCE 3-2014

Filed with Sec. of State: 8-7-2014

Certified to be Effective: 8-7-14

Notice Publication Date: 7-1-2014

Rules Amended: 811-015-0005

Subject: Amendments clarify minimum requirements for record keeping and documentation

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

811-015-0005

Records

(1) Failure to keep complete and accurate records on all patients shall be considered unprofessional conduct.

(a) Each patient shall have exclusive records which shall be clear, legible, complete and accurate; as to allow any other Chiropractic physician to understand the nature of that patient's case and to be able to follow up with the care of that patient if necessary.

(b) Every page of chart notes will identify the patient by name, and the clinic of origin by name and address. Each entry will be identified by day, month, year, provider of service and author of the record.

(c) Clear, legible, complete and accurate records contain the following:

(A) A description of the chief complaint or primary reason the patient sought treatment from the licensee.

(B) Documentation of any significant event that affects the chief complaint of the patient or the general history of the health of the patient.

(C) An accurate record of the diagnostic and therapeutic procedures that the licensee has employed in providing chiropractic services to the patient, including, but not limited to:

(i) Examinations and the results of those examinations;

(ii) Diagnoses;

(iii) Treatment plan, and any subsequent changes to the treatment plan and the clinical reasoning for those changes;

(iv) Dates on which the licensee provided clinical services to the patient, as well as the services performed and clinical indications for those services;

(v) Areas of the patient's body where the licensee has provided care;

(vi) Patient's response to treatment;

(vii) Therapeutic procedures must be clearly described including information such as providers involved, timing, setting and tools used as appropriate.

(D) Relevant information concerning the patient such as height, weight, and blood pressure.

(E) Documentation of informed consent for examination and treatment.

(F) Other clinically relevant correspondence including but not limited to telephonic or other patient communications, referrals to other practitioners, and expert reports.

(d) A chiropractic physician shall maintain billing records for services performed at the request of a patient and for which payment is received from or billed to the patient, an insurance company, or another person or entity who has assumed the financial responsibility for the payment of services performed to the patient. Such records will be maintained for same amount of time as other patient records. As a minimum, a billing record will include the date of the patient encounter or financial entry, a notation of the services performed either by description or code, common codes such as the AMA Current Procedural Terminology (CPT) codes may be used without additional explanation or legend, and the fee charged for the services billed. If third party payers are billed, the billing instrument (CMS 1500 form or its successor) should be retrievable. Such information may be maintained on a handwritten or printed ledger, with the assistance of a computer or other device either by direct entry or with a particular program or application, or by an alternative method. To the extent billing records do not contain patient health care records not kept elsewhere, they are not considered part of the clinical record.

(e) Such information as described in section (d) must be readily available upon request of the patient, an agent of the patient, an insurance carrier or entity responsible for the payment of the services, or by the Board or other entity with a legal right to review such information.

(2) Practitioners with dual licenses shall indicate on each patient's records under which license the services were rendered.

(3) A patient's original records shall be kept by the chiropractic physician a minimum of seven years from the date of last treatment. However, if a patient is a minor, the records must be maintained at least seven years from the time they turn 18 years of age.

(a) If the treating chiropractic physician is an employee or associate, the duty to maintain original records shall be with the chiropractic business entity or chiropractic physician that employs or contracts with the treating chiropractic physician.

(b) Chiropractic physicians shall be responsible for keeping an available copy of all authored reports for seven years from the date authored.

(4) If a chiropractic physician releases original radiographic films to a patient or another party, upon the patient's written request, he/she should create an expectation that the films will be returned, and a notation shall be

ADMINISTRATIVE RULES

made in the patient's file or in an office log where the films are located (either permanently or temporarily). If a chiropractic physician has radiographic films stored outside his/her clinic, a notation shall be made in the patient's file or in an office log where the films are located and chiropractic physician must ensure those films are available for release if requested by the patient.

(5) The responsibility for maintaining original patient records may be transferred to another chiropractic business entity or to another chiropractic physician as part of a business ownership transfer transaction.

Stat. Auth.: ORS 684

Stats. Implemented: ORS 684.155

Hist.: 2CE 1-1978, f. 6-16-78, ef. 7-1-78; CE 5-1995, f. & cert. ef. 12-6-95; CE 4-1997, f. & cert. ef. 11-3-97; BCE 3-2000, cert. ef. 8-23-00; BCE 2-2006, f. & cert. ef. 2-9-06; BCE 5-2013, f. & cert. ef. 11-27-13; BCE 3-2014, f. & cert. ef. 8-7-14

.....

Rule Caption: Clarify chiropractic assistant training requirements and scope of practice

Adm. Order No.: BCE 4-2014

Filed with Sec. of State: 8-11-2014

Certified to be Effective: 8-11-14

Notice Publication Date: 7-1-2014

Rules Amended: 811-010-0110

Subject: To address concerns with the CA program, including 1) CAs taking vitals (versus recording them),

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

811-010-0110

Chiropractic Assistants

(1) The certification period for Chiropractic Assistants begins on August 1 and ends on July 31. A 30 day grace period will follow whereupon the Chiropractic Assistant may continue to practice. Any Chiropractic Assistant who has not renewed by September 1 must cease practice.

(2) Chiropractic Assistants may be certified upon compliance with the following standards and procedures:

(a) The Chiropractic Assistant applicant shall successfully complete a Board approved training course offered by an association, college or otherwise approved person. The initial training course shall be at least twelve hours in length, of which eight hours shall be didactic training and four hours shall be practical training.

(A) The practical training must be in physiotherapy, electrotherapy and hydrotherapy administered by a health care provider licensed to independently provide those therapies.

(B) A chiropractic physician may perform the initial practical training provided this is direct contact time.

(C) The initial training must have been completed within 60 days preceding the application submission date;

(b) The applicant shall complete an application form and an open book examination supplied by the Board;

(c) If an applicant has a certificate or license from another state and adequate documentation of training, the Board may waive the requirement for the initial training course; and

(d) A person initially certified between March 1st and May 31st is exempt from the continuing education requirement for renewal.

(3) The training course verification form, completed application form, completed examination, and fees in the following amounts shall be submitted to the Board:

(a) A non-refundable application fee — \$50;

(b) A non-refundable examination fee — \$35; and

(c) An initial certification fee — \$50. A refund of the certification fee will only be allowed when requested within 60 days of the initial application.

(d) In circumstances beyond the applicant's control (e.g. board review of criminal history) the Board may determine to refund the fees or portion thereof.

(e) In the event the Board requires the NBCE chiropractic assistant examination in lieu of the Board's examination, the fee in subsection (b) will be waived.

(4) The Board shall maintain an incomplete application file for six months from the date the application was received; afterward, applicants will need to re-apply.

(5) The applicant shall be at least 18 years of age.

(6) The Chiropractic Assistant shall not perform electrotherapy, hydrotherapy, or physiotherapy until he or she receives a certificate from the Board.

(7) A Chiropractic Assistant shall be directly supervised by the Chiropractor at all times. The supervising Chiropractor must be on the premises.

(8) The Chiropractic Assistant scope of practice

(a) Includes physiotherapy, electrotherapy and hydrotherapy, taking vitals such as height, weight, blood pressure, temperature, pulse, respiration and/or body fat percentages and other duties as described by the Board, and

(b) Does not otherwise include performing physical examinations, taking initial histories, taking X-rays

(unless properly licensed), interpretation of postural screening, doing manual muscle testing, or performing osseous adjustments or manipulations or other tasks as proscribed by the Board.

(9) Chiropractic Assistants shall report to the Board, in writing, his/her mailing address and place of employment. Notification of a change of mailing address or place of employment must be made within 10 days of the change.

(10) On or before each June 1, the Board of Examiners shall send the renewal notice to the Chiropractic Assistant at the last known mailing address.

(11) On or before each July 31 the Chiropractic Assistant shall mail to the Board of Examiners the renewal form with a renewal fee of \$75. A certificate that is not renewed on time may not be renewed except:

(a) Upon written application and payment to the board of the renewal fee plus a delinquent fee of \$25 for renewals submitted between August 1 and August 31 of each year; or

(b) Upon written application and payment to the board of the renewal fee plus a delinquent fee of \$50 for renewals submitted on September 1 or later; and

(c) Upon submission of proof of compliance with or exemption from the requirements of ORS 684.092.

(12) A Chiropractic Assistant has up to one year following their July 31 renewal date to renew and reinstate their certificate upon meeting the provisions of (11)(a) through (c) above. After 12 months a person must restart the application process.

(13) Continuing education programs may be comprised of subjects that are pertinent to clinical practices of chiropractic. Continuing education must meet the criteria outlined in OAR 811-015-0025 sections (8), (9) and (10). No continuing education hours may be carried over into the next renewal year. Evidence of successful completion of six hours of continuing education during the 12 months preceding the renewal must be submitted upon request by the board.

(14) The Chiropractic Assistant's certificate shall be displayed at all times in the Chiropractic Physician's office during the Chiropractic Assistant's employment.

(15) The Board may refuse to grant a certificate to any applicant, may suspend or revoke a certificate, or may impose upon an applicant for certification or Chiropractic Assistant a civil penalty not to exceed \$1,000 upon finding of any of the following:

(a) Cause, which is defined as, but not limited to, failure to follow directions, unprofessional or dishonorable conduct, injuring a patient, or unlawful disclosure of patient information. The supervising Chiropractic Physician is required to notify the Board, in writing, of any dismissal of a Chiropractic Assistant for cause within ten days. The Board shall determine if there is cause for action and shall be governed by the rules of the Board adopted pursuant to ORS Chapter 183;

(b) Conviction of a misdemeanor involving moral turpitude or a felony; or

(c) Failure to notify the Board of a change of location of employment as required by these rules.

(16) Unprofessional or dishonorable conduct is defined as: any unethical, deceptive, or deleterious conduct or practice harmful to the public; any departure from, or failure to conform to, the minimal standards of acceptable Chiropractic Assistant practice; or a willful or careless disregard for the health, welfare or safety of patients, in any of which cases proof of actual injury need not be established. Unprofessional conduct shall include, but not be limited to, the following acts of a Chiropractic Assistant:

(a) Engaging in any conduct or verbal behavior with or towards a current patient that may reasonably be interpreted as sexual, seductive, sexually demeaning or romantic (also see ORS 684.100).

(b) A certificate holder shall not engage in sexual relations or have a romantic relationship with a current patient unless a consensual sexual relationship or a romantic relationship existed between them before the commencement of the Chiropractic Assistant-patient relationship.

(A) "Sexual relations" means:

(i) Sexual intercourse; or

ADMINISTRATIVE RULES

(ii) Any touching of sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the Chiropractic Assistant for the purpose of arousing or gratifying the sexual desire of either Chiropractic Assistant or patient.

(B) A patient's consent to, initiation of or participation in sexual behavior or involvement with a Chiropractic Assistant does not change the nature of the conduct nor lift the prohibition.

(C) In determining whether a patient is a current patient, the Board may consider the length of time of the Chiropractic Assistant-patient contact, evidence of termination of the Chiropractic Assistant-patient relationship, the nature of the Chiropractic Assistant-patient relationship, and any other relevant information.

(c) Use of protected or privileged information obtained from the patient to the detriment of the patient.

(d) Practicing outside the scope of the practice of a Chiropractic Assistant in Oregon;

(e) Charging a patient for services not rendered;

(f) Intentionally causing physical or emotional injury to a patient;

(g) Directly or indirectly engaging in threatening, dishonest, or misleading fee collection techniques;

(h) Soliciting or borrowing money from patients;

(i) Possessing, obtaining, attempting to obtain, furnishing, or prescribing controlled drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs; illegally using or dispensing controlled drugs;

(j) Aiding, abetting, or assisting an individual to violate any law, rule or regulation intended to guide the conduct of Chiropractic Assistants or other health care providers; or

(k) Violating the rights of privacy or confidentiality of the patient unless required by law to disclose such information;

(l) Perpetrating fraud upon patients or third party payors, relating to the practice of chiropractic;

(m) Using any controlled or illegal substance or intoxicating liquor to the extent that such use impacts the ability to safely conduct the practice of a Chiropractic Assistant;

(n) Practicing as a Chiropractic Assistant without a current Oregon certificate;

(o) Allowing another person to use one's Chiropractic Assistant certification for any purpose;

(p) Resorting to fraud, misrepresentation, or deceit in applying for or taking the certificate examination or obtaining a certificate or renewal thereof;

(q) Impersonating any applicant or acting as a proxy for the applicant in any Chiropractic Assistant certificate examination;

(r) Disclosing the contents of the certificate examination or soliciting, accepting, or compiling information regarding the contents of the examination before, during, or after its administration;

(s) Failing to provide the Board with any documents requested by the Board;

(t) Failing to fully cooperate with the Board during the course of an investigation, including but not limited to, waiver of confidentiality privileges, except attorney-client privilege;

(u) Claiming any academic degree not actually conferred or awarded;

(v) Disobeying a final order of the Board; and

(w) Splitting fees or giving or receiving a commission in the referral of patients for services.

(x) Receiving a suspension or revocation of a certificate or license for a Chiropractic Assistant, or other license or certificate, by another state based upon acts by the Chiropractic Assistant or applicant that describes acts similar to this section. A certified copy of the record of suspension or revocation of the state making that is conclusive evidence thereof.

(17) The service of the Chiropractic Assistant is the direct responsibility of the licensed Chiropractic Physician. Violations may be grounds for disciplinary action against the Chiropractic Physician under ORS 684.100(9).

Stat. Auth.: ORS 684.155

Stats. Implemented: ORS 684.054 & 684.155(c)(A)

Hist.: CE 1-1990, f. & cert. ef. 2-15-90; CE 5-1992(Temp), f. 10-21-92, cert. ef. 10-23-92; CE 2-1993, f. 3-1-93, cert. ef. 4-23-93; CE 4-1997, f. & cert. ef. 11-3-97; BCE 3-2000, cert. ef. 8-23-00; BCE 1-2001, f. 1-31-01, cert. ef. 2-1-01; BCE 1-2002, f. & cert. ef. 2-6-02; BCE 2-2008, f. & cert. ef. 10-9-08; BCE 2-2010, f. & cert. ef. 6-15-10; BCE 1-2012, f. & cert. ef. 5-31-12; BCE 3-2013, f. 10-8-13, cert. ef. 11-1-13; BCE 4-2013, f. 10-21-13, cert. ef. 11-1-13; BCE 4-2014, f. & cert. ef. 8-11-14

Board of Examiners for Engineering and Land Surveying Chapter 820

Rule Caption: Amend rules related to examination qualifications, modifying documents. Adopt rules for procurement and contracting.

Adm. Order No.: BEELS 3-2014

Filed with Sec. of State: 7-16-2014

Certified to be Effective: 7-16-14

Notice Publication Date: 2-1-2014

Rules Adopted: 820-001-0030, 820-001-0035, 820-001-0040

Rules Amended: 820-010-0225, 820-010-0226, 820-010-0227, 820-010-0228, 820-010-0420, 820-010-0622

Rules Repealed: 820-010-0225(T), 820-010-0226(T), 820-010-0227(T), 820-010-0228(T), 820-010-0420(T)

Subject: To permanently file adopted rules related to the Board's contracting policies, to permanently amend language for rules related to qualifications for the FE and FLS examinations due to the current national process of computer-based testing, and to permanently amend language to clarify the process when a professional engineer modifies the documents of a Registered Architect, or if a Registered Architect modifies the designs or documents prepared and sealed by a professional engineer.

Rules Coordinator: Mari Lopez—(503) 362-2666

820-001-0030

Source Selection

(1) The Agency may award a procurement of goods or services, including personal services of persons who are not registrants of the Board, that does not exceed \$10,000 in any manner the deems practical or convenient, including by direct selection or award.

(2) The Agency may award a procurement of goods or services, including personal services of persons who are not registrants of the Board, that exceeds \$10,000 but does not exceed \$150,000 after seeking at least three informally solicited competitive price quotes or competitive proposals from prospective contractors, if three quotes or proposals are reasonably available. The Agency shall keep a written record of the quotes or proposals received, and of the Agency's effort to obtain quotes or proposals when three quotes or proposals are not reasonably available.

(3) The Agency shall solicit and may award a contract by requesting and evaluating competitive proposals for procurement of:

(a) Goods or services, including personal services of persons who are not registrants of the Agency, that exceed \$150,000; and

(b) Information technology, regardless of the amount of the award for:

(A) Personal services contracts; or

(B) Goods requiring professional services to install or use;

(c) Accounting, financial audit, or financial review services, regardless of the amount of the award,

(4) Any request for proposals issued under subsection (3) of this rule shall:

(a) Specify a time and date by which proposals must be received, the Agency contact person for the proposals, and a place at which the proposals must be submitted, which may include a Agency electronic mail address;

(b) Describe the procurement, including a statement of work for the procurement and any prerequisites the contractor must meet;

(c) Include all contractual terms;

(d) State that the Agency may cancel the procurement or reject and all proposals; and

(e) Announce the method the Agency will use to select the contractor and describe the manner in which the Agency will evaluate the proposals, which may include an award based solely on the ranking of proposals, discussions leading to best and final offers, serial negotiations, and competitive simultaneous negotiations.

(5) The Board shall give public notice of any request for proposal issued under subsection (3) of this rule. A public notice must be published electronically on the Board's website, and may be published in additional venues at the discretion of the Board or Administrator.

(6) The Agency shall keep a written record of the proposals received under subsection (3) of this rule.

(7) Notwithstanding subsections (1) to (3) of this rule, any procurement over \$10,000 must be approved by the Board prior to selection of the contractor and execution of the contract.

Stat. Auth.: ORS 670.310 & 672.255

ADMINISTRATIVE RULES

Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 3-2014, f. & cert. ef. 7-16-14

820-001-0035

Notice of Intent to Award

At least 10 business days before the award of a contract under OAR 820-001-0030(3), the Board shall provide to each proposer notice of the Board's intent to award a contract.

Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 3-2014, f. & cert. ef. 7-16-14

820-001-0040

Protests of Contract Award

(1) A proposer may protest the notice of intent to award a contract if:

(a) The proposer is adversely affected because the proposer would be eligible to be awarded the contract in the event that the protest were successful; and

(b) The grounds for the protest are:

(A) All lower bids or higher ranked proposals are nonresponsive; or,

(B) The Board has failed to conduct the evaluation of proposals in accordance with the criteria or processes described in the request for proposals.

(2) The proposer shall submit the protest to the Board in writing, before the contract is awarded, and shall specify the grounds for the protest to be considered by the Board.

(3) The Board shall consider and respond in writing to a protest before awarding a contract.

Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: BEELS 3-2014, f. & cert. ef. 7-16-14

820-010-0225

Educational Qualifications to Take the Fundamentals of Engineering (FE) Examination for Enrollment as an Engineering Intern (EI)

Applicants for admission to examination for enrollment as an EI will be required to submit the following evidence to show eligibility to take the FE examination:

(1) Official transcripts that document the degree and date awarded, demonstrating completion of an engineering curriculum satisfactory to the Board, as described in subsection (2) below.

(2) For entrance to the FE examination, a curriculum satisfactory to the Board shall include:

(a) Graduation from an EAC of ABET accredited engineering program;

(b) Graduation from a TAC of ABET baccalaureate engineering program;

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

(d) Graduation from a graduate degree program in engineering at a college or university that has an EAC of ABET accredited undergraduate degree program in the same field as the graduate degree program, combined with completion of 21 semester/32 quarter hours of engineering related technical course work. The courses shall include at least six of the following nine subjects: Differential Equations, Physics, Statistics, Statics, Dynamics, Thermodynamics, Fluid Mechanics, Electrical Fundamentals and Strength of Materials.

(e) Graduation from TAC of ABET accredited two-year Engineering Technology program or graduation from a two-year Associate of Applied Science program in Engineering Technology that includes the following:

(A) A total of at least 64 semester/96 quarter hours;

(B) At least 32 semester/48 quarter hours in technical courses. (Skills and knowledge of appropriate methods, procedures and techniques; experience in carrying out established engineering procedures);

(C) At least 16 semester/24 quarter hours in math and science, including:

(i) 4 semester/6 quarter hours in basic science (physics, chemistry, earth and life sciences);

(ii) 8 semester/12 quarter hours in mathematics (not including courses below the level of college algebra or courses in computer programming);

(D) At least 9 semester/13 quarter hours in social science, humanities and communications; and

(E) In addition to the educational requirements set forth in paragraph (e) of subsection (3), graduates from two-year programs shall complete two or more years of engineering work before qualifying to take the FE examination for enrollment as an EI. In the alternative, graduates from two-year programs may complete additional course work consisting of 21 semester/32 quarter hours in Differential Equations, Physics, Statistics, Statics,

Dynamics, Thermodynamics, Fluid Mechanics, Electrical Fundamentals and Strength of Materials.

(f) Completion of a curriculum that the Board finds has adequately prepared the application for enrollment as an EI.

(3) To be eligible to sit for the examination prior to graduation from a baccalaureate engineering program described in subsections (2)(a), (b) or (c) of this rule, a verification statement must be signed by an official from the applicant's school, university or college, verifying the applicant is currently enrolled in the senior year of a qualifying baccalaureate program, and also verifying that if the applicant graduates timely, when the degree from that program will be conferred upon the applicant.

(4) To be eligible to sit for the examination prior to graduation from a baccalaureate engineering program that is not accredited as described in subsections (2)(a), (b) or (c) of this rule, a verification statement must be signed by an official from the applicant's school, university or college, verifying the applicant is currently enrolled in the senior year of a baccalaureate engineering program that includes 21 semester/32 quarter hours in at least six of the following nine courses: differential equations; Physics; Statistics; Statics; Dynamics; Thermodynamics; Fluid Mechanics; Electrical Fundamentals; Strength of Materials, and also verifying that if the applicant graduates timely, when the degree from that program will be conferred upon the applicant.

(5) The verification statement required under subsections (3) and (4) of this rule must be submitted in the same packet as the completed application to be considered.

(6) NCEES will be notified of approved applications. The applicant may not schedule with NCEES to sit for the examination unless and until NCEES has been notified of the Board's approval of the application.

(7) An applicant who is admitted to the examination under subsections (3) or (4) of this rule shall, within 10 months of sitting for the exam, provide the Board with an official transcript showing that the degree for which the applicant was approved to sit for the examination has been conferred on the applicant. Failure of the applicant to timely provide the board with an official transcript showing that the degree has been conferred on the applicant vacates any passing score that the applicant achieved on the examination.

Stat. Auth.: ORS 670.310 & 672.255
Stats. Implemented: ORS 672.002 - 672.325
Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 16, f. 3-5-74, ef. 3-25-74; EE 20, f. & ef. 12-15-77; EE 1-1986, f. 2-4-86, ef. 2-15-86; EE 1-1992, f. & cert. ef. 2-3-92; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; EE 2-1996, f. & cert. ef. 10-3-96; BEELS 1-1998, f. & cert. ef. 2-10-98; BEELS 1-1999, f. 5-27-99, cert. ef. 7-1-99; BEELS 1-2001, f. & cert. ef. 5-22-01; BEELS 1-2004, f. & cert. ef. 1-26-04; BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 2-2008, f. & cert. ef. 7-9-08; BEELS 2-2009, f. & cert. ef. 11-13-09; BEELS 4-2012, f. & cert. ef. 9-14-12; BEELS 1-2013, f. & cert. ef. 3-13-13; BEELS 4-2013(Temp), f. & cert. ef. 7-10-13 thru 1-6-14; BEELS 8-2013(Temp) f. & cert. ef. 11-14-13 thru 1-6-14; Administrative correction, 2-5-14; BEELS 1-2014(Temp), f. & cert. ef. 2-14-14 thru 8-13-14; BEELS 3-2014, f. & cert. ef. 7-16-14

820-010-0226

Educational Qualifications to Take the Fundamentals of Land Surveying (FLS) Examination for Enrollment as a Land Surveying Intern (LSI)

Applicants for admission to examination for enrollment as an LSI will be required to submit the following evidence to show eligibility to take the FLS examination:

(1) Official transcripts that document the degree and date awarded, demonstrating completion of a land surveying curriculum satisfactory to the Board, as described in subsection (2) below.

(2) For entrance to the FLS Examination, a curriculum satisfactory to the Board shall include:

(a) Graduation from an EAC of ABET accredited four-year baccalaureate land surveying program;

(b) Graduation from an ASAC of ABET accredited four-year baccalaureate land surveying program;

(c) Graduation from a TAC of ABET accredited four-year baccalaureate land surveying program;

(d) Graduation from an EAC of ABET accredited four-year baccalaureate engineering program with 11 semester/16 quarter hours of surveying instruction and surveying law.

(e) Graduation from a TAC of ABET accredited four-year baccalaureate engineering program with 11 semester/16 quarter hours of surveying instruction and surveying law.

(f) Graduation from an ACCE accredited four-year baccalaureate engineering program with 11 semester/16 quarter hours of surveying instruction and surveying law.

(g) Graduation from a graduate degree program in land surveying at a college or university that has an ABET accredited undergraduate degree

ADMINISTRATIVE RULES

program in the same field, combined with completion of 11 semester/16 quarter hours of surveying instruction.

(h) Graduation from an ASAC of ABET accredited two-year Surveying Technology program, a TAC of ABET accredited two-year Surveying Technology program, or a two-year Association of Applied Science program in Surveying Technology or Engineering Technology that includes the following:

(A) A total of at least 64 semester/96 quarter hours;

(B) At least 32 semester/48 quarter hours in technical courses, of which a minimum of 11 semester/16 quarter hours shall be in surveying instruction;

(C) At least 16 semester/24 quarter hours in subjects such as math, science, basic electricity, hydraulics, road design, construction management and estimating engineering economics with college level algebra, trigonometry and statistics;

(D) At least 9 semester/13 quarter hours in social science, humanities and communications; and

(E) In addition to the educational requirements set forth in paragraph (h) of subsection (2) above, graduates from two-year education programs shall complete two or more years of active practice in land surveying work before qualifying to take the FLS examination for enrollment as an LSI.

(i) Graduation from a baccalaureate degree program related to engineering or land surveying that includes the following:

(A) 21 semester/32 quarter hours of coursework with a direct geomatics focus that requires the application of geomatics knowledge and skills. One of these courses must be surveying law related;

(B) 27 semester/40 quarter hours that requires the application of mathematics for problem solving. At least one of these courses must focus on the application of differential and integral calculus;

(C) 24 semester/35 quarter hours related to physical and natural science with laboratory applications; and

(D) 4 semester/6 quarter hours of capstone or integrating experience that develops student competencies in applying both technical and non-technical skills in solving problems.

(j) Completion of a curriculum that the Board finds adequately prepared the applicant for enrollment as an LSI.

(3) To be eligible to sit for the examination prior to graduation from a baccalaureate land surveying or engineering program described in subsections (2)(a) through (c) of this rule, a verification statement must be signed by an official from the applicant's school, university or college, verifying the applicant is currently enrolled in the senior year of a qualifying baccalaureate program, and also verifying that if the applicant graduates timely, when the degree from that program will be conferred upon the applicant.

(4) To be eligible to sit for the examination prior to graduation from a baccalaureate engineering program described in subsections (2)(d) through (f) of this rule, a verification statement must be signed by an official from the applicant's school, university or college, verifying the applicant is currently enrolled in the senior year of a qualifying baccalaureate engineering program that includes: 11 semester/16 quarter hours of surveying instruction and surveying law, and also verifying that if the applicant graduates timely, when the degree from that program will be conferred upon the applicant.

(5) To be eligible to sit for the examination prior to graduation from a baccalaureate engineering or land surveying program that is not accredited as described in subsections (2)(a) through (f) of this rule, a verification statement must be signed by an official from the applicant's school, university or college, verifying the applicant is currently enrolled in the senior year of a baccalaureate engineering or land surveying program that includes: 21 semester/32 quarter hours of coursework with a direct geomatics focus that requires the application of geomatics knowledge and skills. One of these courses must be surveying law related; 27 semester/40 quarter hours that requires the application of mathematics for problem solving. At least one of these courses must focus on the application of differential and integral calculus; 24 semester/35 quarter hours related to physical and natural science with laboratory applications; and 4 semester/6 quarter hours of capstone or integrating experience that develops student competencies in applying both technical and non-technical skills in solving problems, and also verifying that if the applicant graduates timely, when the degree from that program will be conferred upon the applicant.

(6) The verification statement required under this subsections (3), (4), and (5) of this rule must be submitted in the same packet as the completed application to be considered.

(7) NCEES will be notified of approved applications. The applicant may not schedule with NCEES to sit for the examination unless and until NCEES has been notified of the Board's approval of the application.

(8) An applicant who is admitted to the examination under subsections (3), (4), or (5) of this rule shall, within 10 months of sitting for the exam, provide the Board with an official transcript showing that the degree for which the applicant was approved to sit for the examination has been conferred on the applicant. Failure of the applicant to timely provide the Board with an official transcript showing that the degree has been conferred on the applicant vacates any passing score that the applicant achieved on the examination.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 2-2008, f. & cert. ef. 7-9-08; BEELS 2-2009, f. & cert. ef. 11-13-09; BEELS 4-2012, f. & cert. ef. 9-14-12; BEELS 1-2013, f. & cert. ef. 3-13-13; BEELS 4-2013(Temp), f. & cert. ef. 7-10-13 thru 1-6-14; BEELS 8-2013(Temp) f. & cert. ef. 11-14-13 thru 1-6-14; Administrative correction, 2-5-14; BEELS 1-2014(Temp), f. & cert. ef. 2-14-14 thru 8-13-14; BEELS 3-2014, f. & cert. ef. 7-16-14

820-010-0227

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

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

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

(3) Military training or experience may be considered as qualifying if it is evaluated by the Joint Services Transcript (JST), and the Board determines that the military training or experience is considered substantially equivalent to the educational degrees or courses listed in OAR 820-010-0225.

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

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

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

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

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

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

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

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

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

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

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

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 2-2009, f. & cert. ef. 11-13-09; BEELS 6-2013, f. & cert. ef. 9-11-13; BEELS 7-2013(Temp); f. & cert. ef. 11-12-13 thru 5-9-14; BEELS 10-

ADMINISTRATIVE RULES

2013(Temp), f. & cert. ef. 12-5-13 thru 3-14-14; BEELS 1-2014(Temp), f. & cert. ef. 2-14-14 thru 8-13-14; BEELS 3-2014, f. & cert. ef. 7-16-14

820-010-0228

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

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

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

(3) Military training or experience may be considered as qualifying if it is evaluated by the Joint Services Transcript (JST), and the Board determines that the military training or experience is considered substantially equivalent to the educational degrees or courses listed in OAR 820-010-0226.

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

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

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

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

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

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

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

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

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

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

Stat. Auth.: ORS 670.310, 672.095, 672.118, & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 2-2009, f. & cert. ef. 11-13-09; BEELS 6-2013, f. & cert. ef. 9-11-13; BEELS 7-2013(Temp), f. & cert. ef. 11-12-13 thru 5-9-14; BEELS 10-2013(Temp), f. & cert. ef. 12-5-13 thru 3-14-14; BEELS 1-2014(Temp), f. & cert. ef. 2-14-14 thru 8-13-14; BEELS 3-2014, f. & cert. ef. 7-16-14

820-010-0420

Nature of Examination for Engineering Intern (EI)

The examination to qualify for enrollment as an EI will be an examination devoted to basic engineering subjects on the fundamentals of engineering. The examination may cover such subjects as chemistry, dynamics, engineering economics, engineering mechanics, electrical circuits, electronics and electrical machinery, fluid mechanics, materials science, math-

ematics, mechanics of materials, statistics, structure of matter and thermodynamics, and discipline specific questions in the chosen discipline.

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

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 16, f. 3-5-74, ef. 3-25-74; EE 20, f. & ef. 12-15-77; EE 1-1983, f. 2-28-83, ef. 3-1-83; EE 1-1992, f. & cert. ef. 2-3-92; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; BEELS 1-1998, f. & cert. ef. 2-10-98; BEELS 1-2014(Temp), f. & cert. ef. 2-14-14 thru 8-13-14; BEELS 3-2014, f. & cert. ef. 7-16-14

820-010-0622

Modifying Designs or Documents

(1) Documents prepared and sealed by a Professional Engineer may be modified only when all of the following requirements are met:

(a) Only a Professional Engineer or Registered Architect if within the scope of practice of architecture and if competent by education or experience, can modify designs or documents prepared and sealed by a Professional Engineer.

(b) A Professional Engineer shall only modify another Professional Engineer's design or document if they are competent by education or experience.

(c) The Professional Engineer modifying another Professional Engineer's design or document shall cloud, encircle, or in some other way clearly indicate the portion of the design or document they are revising and refer the viewer to a separate design or document.

(d) The Professional Engineer making the design revisions shall seal and sign the separate design or document.

(e) A Professional Engineer modifying designs or documents not sealed must provide all the engineering services that would have been required had they started the work from its origin.

(2) Professional Engineers modifying designs or documents prepared by an unlicensed person for an exempt structure must do the following:

(a) The Professional Engineer modifying the design or document shall cloud, encircle, or in some other way clearly indicate the portion of the design or document they are revising and refer the viewer to a separate design or document.

(b) The Professional Engineer making the design revision shall seal and sign the separate design or document.

(3) A Professional Engineer may modify a Registered Architect's documents as follows:

(a) The Professional Engineer shall only modify a Registered Architect's documents if within the scope of practice of engineering and if competent by education and experience.

(b) The Professional Engineer modifying a Registered Architect's documents shall make modifications on separate documents that clearly indicate the portion of the Registered Architect's documents being modified.

(c) The Professional Engineer modifying a Registered Architect's documents shall seal and sign the separate documents that provide the modifications.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 1-2005, f. & cert. ef. 3-16-05; BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 2-2012, f. & cert. ef. 5-10-12; BEELS 3-2012, f. & cert. ef. 7-13-12; BEELS 3-2014, f. & cert. ef. 7-16-14

Board of Licensed Social Workers Chapter 877

Rule Caption: Amends OAR 877-020-0057 to permit renewal of lapsed license.

Adm. Order No.: BLSW 1-2014(Temp)

Filed with Sec. of State: 8-1-2014

Certified to be Effective: 8-1-14 thru 1-27-15

Notice Publication Date:

Rules Amended: 877-020-0057

Subject: The amendment would create a new license status for individuals who do not renew their licenses within the 30 day grace period following their renewal date. The amendment would designate the licenses of such individuals as lapsed, and would allow lapsed licenses to be renewed by completing the renewal form, submitting any required continuing education and paying renewal and late fees. After one year from the renewal date, a lapsed license would expire. The proposed amendment would also allow the board to extend the lapsed period beyond one year upon a showing of "good cause" and "exceptional circumstances."

Rules Coordinator: Randy Harnisch—(503) 373-1163

ADMINISTRATIVE RULES

877-020-0057

Lapsed and Expired Licenses and Certificates

(1) A license or certificate that is not renewed by the end of the 30th day following the renewal date is lapsed.

(2) A lapsed license or certificate may be renewed by submitting:

(a) The completed renewal application;

(b) Payment of appropriate fees, including late fees, pursuant to OAR 877-001-0020;

(c) Documentation of having completed all required continuing education requirements; and

(d) A certification on a form provided by the board that the person while in lapsed status has not engaged in the practice of clinical social work nor used any title, words, or abbreviations, including the title of "social worker," that indicates the person has an authorization to practice regulated social work.

(3) A license or certificate that has lapsed and is not renewed pursuant to subsection (2) of this rule by the end of one year following the renewal date plus any extended time period granted by the board pursuant to subsection (6) of this rule is expired.

(4) A person whose license or certificate has expired may apply to the board to receive a new license or certificate.

(5) To be eligible for a new license, an applicant whose license has expired:

(a) Must meet the degree requirements in OAR 877-020-0009(2);

(b) Must meet the fitness requirements in OAR 877-020-0008(2) and is subject to the provisions of OAR 877-022-0005 as an applicant for a license;

(c) Must have passed the national examination described in OAR 877-020-0008(4) & (5)(b);

(d) May be subject to requirements of the board, determined on an individual basis, to work under a plan of practice and supervision designed to take into account the experience of the applicant, recent practice of the applicant, and other factors that pertain to the applicant;

(e) May be subject to requirements of the board, determined on an individual basis, to complete continuing education in specified topics; and

(f) Must pass the examination on Oregon statutes and rules described in OAR 877-020-0008(4) & (5)(a).

(6) The board may in the board's sole discretion extend the time period that a license or certificate may be in lapsed status upon written request showing good cause based on exceptional circumstances.

(7) For the purposes of subsection (6) of this rule: "good cause" means situations that are beyond the reasonable control of the licensee or certificate holder and "exceptional circumstances" means unforeseen circumstances that are of a very serious nature including, for example, the serious illness of the licensee or certificate holder. "Good cause" for purposes of subsection (6) of this rule does not include situations where the action, delay, or failure to act by the licensee or certificate holder arises from mistake, neglect, reliance on a statement of board staff, lack of knowledge or understanding of the board's statutes or rules, noncompliance with the board's statutes or rules, or any circumstance that is within the reasonable control of the licensee or certificate holder.

(8) A person with a lapsed or expired license may not practice clinical social work nor use any title, words or abbreviations, including the title "social worker," that indicate that the person has an authorization to practice regulated social work.

Stat. Auth.: ORS 675.510 - 675.600

Stats. Implemented: ORS 675.510 - 675.600

Hist.: BLSW 1-2010, f. & cert. ef. 1-15-10; BLSW 3-2010, f. 12-15-10, cert. ef. 1-1-11; BLSW 1-2012, f. 12-14-12, cert. ef. 1-1-13; BLSW 1-2014(Temp), f. & cert. ef. 8-1-14 thru 1-27-15

Board of Parole and Post-Prison Supervision Chapter 255

Rule Caption: These revisions provide clarification to the current rules and Board practices.

Adm. Order No.: PAR 7-2014

Filed with Sec. of State: 8-8-2014

Certified to be Effective: 8-8-14

Notice Publication Date: 5-1-2014

Rules Amended: 255-080-0008, 255-080-0011

Subject: This revision makes an important clarification to the rules governing administrative review of Board decisions. Those seeking review should know the limitations on filing, and what the Board will do with incoming requests. The change will give fair notice to those

seeking review, and will lead to more consistent responses from the Board.

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

255-080-0008

Specifications for Administrative Review Request

(1) The request for administrative review shall be substantially in the form specified by the Board in Exhibit O, Administrative Review Request Form, and shall contain:

(a) The name and SID # of the person requesting review.

(b) The heading "Request for Administrative Review"

(c) Identification of the Board action or order for which review is requested, by name of action (i.e., BAF #3, Order of Supervision, etc.) and date of action.

(d) A plain and concise statement of the points for which the offender wants review, specifically identifying how the challenged Board action is alleged to be in violation of statutes or Board rules, or how it is alleged that the decision was not supported by evidence in the record, or in what other way the offender believes the Board's action to be in error. A request for administrative review must concisely explain how the case fits the criteria for review listed in OAR 255-080-0010.

(e) The request must state, where applicable, what statute, administrative rule, or constitutional provision is alleged to have been violated, including the effective date of the law or rule.

(2) The administrative review request shall be created by any process that makes a clear, legible, black or dark blue image; the Board will not accept text written in pencil, carbon copies, copies on slick paper, or copies darkened by the duplicating process.

(a) All writing shall be legible and capable of being read without difficulty.

(b) The request must be written on standard 8.5" x 11" white or light blue paper.

(c) Each page shall have margins of at least 1" on all sides.

(d) Any attachments to the review request shall be duplicated on standard 8.5" x 11" white paper and must be clear and legible.

(e) Pages shall be consecutively numbered on the right side at either the top or bottom of the page.

(3)(a) The request shall not exceed 8 pages. That limitation does not include additional documentation necessary to support the request. (Under most circumstances, no additional documentation will be necessary.)

(b) Additional documentation in support of the request shall not exceed 10 pages.

(c) Legal arguments relating to the challenged order must be incorporated into the 8-page administrative review request; any claims or allegations included solely in the "additional documentation" will not be considered by the Board in its response.

(4)(a) An offender may request an exception to the limits in these rules, stating a specific reason for exceeding the prescribed limit(s). The request must reach the Board no fewer than fourteen days before the administrative review request is due. The Board, at its discretion, may permit the filing of a review request, and/or additional documentation that exceeds the page limits prescribed in subsection (2) of this rule. The Board may deny an untimely motion under this paragraph on the ground that the offender failed to make a reasonable effort to file the motion on time.

(b) If the Board grants permission for a longer review request, or additional documentation in support of the request, the documents shall conform to the rules set forth above in section (1).

(c) This rule does not create an exception to the timeliness requirements of OAR 255-080-0005. The offender is responsible for requesting an exception and filing his review request within 45 days as required by OAR 255-080-0005

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

Stat. Auth.: ORS 144.335

Stats. Implemented: ORS 144.335

Hist.: PAR 13-2010, f. & cert. ef. 12-1-10; PAR 14-2010, f. & cert. ef. 12-1-10; PAR 4-2014(Temp), f. & cert. ef. 3-27-14 thru 9-22-14; PAR 7-2014, f. & cert. ef. 8-8-14

255-080-0011

Limitations on Requests for Administrative Review

All administrative review requests will be screened by a Board member or a Board designee who shall deny further review of the following:

(1) Administrative review requests determined to be untimely pursuant to rule 255-080-0005;

(2) Requests in which the subject matter relates to a hearing or review and/or Board order other than the Board order being appealed;

(3) Board orders that are not final;

ADMINISTRATIVE RULES

(4) Requests that fail to comply with the requirements of OAR 255-080-0008.

Stat. Auth.: ORS 144.335
Stats. Implemented: ORS 144.335
Hist.: PAR 2-1991, f. & cert. ef. 2-20-91; PAR 4-1993, f. & cert. ef. 10-29-93; PAR 7-1997, f. 3-11-97, cert. ef. 3-14-97; PAR 7-2000, f. & cert. ef. 6-9-00; PAR 9-2004(Temp), f. & cert. ef. 9-3-04 thru 3-1-05; PAR 12-2004, f. & cert. ef. 11-2-04; PAR 13-2010, f. & cert. ef. 12-1-10; PAR 4-2014(Temp), f. & cert. ef. 3-27-14 thru 9-22-14; PAR 7-2014, f. & cert. ef. 8-8-14

Department of Agriculture
Chapter 603

Rule Caption: Increase fees for wholesale seed dealers license from \$400 annually to \$500.

Adm. Order No.: DOA 11-2014

Filed with Sec. of State: 7-28-2014

Certified to be Effective: 7-28-14

Notice Publication Date: 3-1-2014

Rules Amended: 603-056-0095

Subject: The proposed amendments would increase the annual license fees for Wholesale Seed Dealers. The revenue generated by the existing fee no longer provides sufficient funds to cover the costs of enforcement and administration of the seed regulatory program. The ODA proposes to raise the annual license fee from \$400 to \$500.

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

603-056-0095

Seed Dealer License Fees

The following designated annual license fees shall be applicable to each described activity under authority of ORS 633.700:

(1) Seed retailer: \$40; and

(2) Seed wholesaler: \$500.

Stat. Auth.: ORS 561.190 & 633.700

Stats. Implemented: ORS 633.700

Hist.: AD 30-1977, f. & ef. 12-30-77; AD 3-1990, f. & cert. ef. 3-16-90; AD 5-1991(Temp), f. 6-28-91, cert. ef. 7-1-91; AD 1-1992, f. & cert. ef. 2-3-92; AD 12-1993(Temp), f. 8-20-93, cert. ef. 8-23-93; AD 18-1993, f. & cert. ef. 12-1-93; DOA 18-2000 f. & cert. ef. 6-14-00; DOA 11-2014, f. & cert. ef. 7-28-14

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

Adm. Order No.: DOA 12-2014

Filed with Sec. of State: 7-29-2014

Certified to be Effective: 7-29-14

Notice Publication Date: 6-1-2014

Rules Amended: 603-052-0051, 603-052-1221

Subject: ODA amended 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 in 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—(503) 986-4583

603-052-0051

Quarantine: Grape Pests and Diseases

(1) Establishing Quarantine.: A quarantine is established against harmful pests and diseases of wine grapes.

(2) Area Under Quarantine.: All states, districts, and territories of the United States, and in Oregon, any property where a harmful pest or disease is found (see Section (4)).

(3) Commodities Covered.: Plants, cuttings, and all other plant parts of grape (*Vitis* species).

(4) Harmful Pests and Diseases.: Grapevine fanleaf virus, grapevine leaf roll-associated viruses, grapevine corky bark disease agent, grape phylloxera (*Daktulosphaira vitifoliae*), vine mealybug (*Planococcus ficus*), and European grapevine moth (*Lobesia botrana*), and Pierce's Disease (*Xylella fastidiosa*).

(5) Restrictions: All covered commodities are prohibited entry into the State of Oregon unless they meet the requirements in (a) through (e) below:

(a) Freedom from Soil: Only non-rooted grape cuttings or rooted plants produced in sterile soil-less media are permitted entry into Oregon. Grape cuttings and rooted plants must be treated with an approved insecticide effective against vine mealybug and any pests that may be present on the roots prior to shipment.

(b) Freedom from harmful pests and diseases: Cuttings, fruit, and plants must be free of harmful pests and diseases.

(A) Grape cuttings and rooted plants must be tested and found free of *Xylella fastidiosa*. Grape vine sampling and analysis procedure for *Xylella fastidiosa*:

(i) Samples shall be taken from plants located in lots identified for shipment to Oregon.

(ii) Samples from up to five individual plants may be combined (bulked) for analysis purposes.

(iii) Samples shall be composed of petiole and/or midrib tissue, with one sample comprised of three to five leaves from a single plant. If foliar symptoms are present, the symptomatic leaf tissue must be tested.

(iv) Analysis of samples for *X. fastidiosa* shall be done using ELISA or PCR testing by a laboratory operated by an official state or federal regulatory agency or by an approved cooperator. PCR testing must be conducted using a method approved by the Department.

(I) Sampling and analysis with ELISA or PCR of non-dormant (green) plant material must take place within 60 days before the date of shipment of the plants into Oregon.

(II) Sampling and analysis with ELISA or PCR of plants to be shipped dormant must take place prior to leaf drop, but within 60 days of leaf drop during the previous season. Alternatively, sampling and analysis of such plants with PCR must be done on newly emerged leaves no less than 10-days after bud break.

(v) Sampling and analysis of plant material shall be under the direct supervision of state or county regulatory officials.

(vi) Sampling of each lot intended for shipment to Oregon must be done in a manner that provides 95% confidence that an infestation level of 1.0% or higher will be detected as described in the International Standards for Phytosanitary Measures ISPM No. 31, last modified August 2011.

(B) Grape cuttings and rooted plants must be officially inspected and found free of grapevine fanleaf virus, grapevine leaf roll-associated viruses, grapevine corky bark disease agent, and European grapevine moth prior to shipment. The cuttings and plants must be inspected during the season most appropriate for symptom expression and pest detection. Alternatively, the cuttings and plants must originate from an official certification program for freedom from grapevine fanleaf virus, grapevine leaf roll-associated virus, grapevine corky bark disease agent, and European grapevine moth.

(c) Fruit may be imported under the following conditions:

(A) Table grapes must be commercially packed in compliance with USDA recommendations for protecting perishable food products shipped interstate by truck (USDA-Agricultural Marketing Service-Transportation and Marketing Programs, In: Protecting Perishable Foods During Transport by Truck, Handbook No. 669 (2008), pp. 40-41). Table grapes shipped under these conditions may be shipped without an official phytosanitary certificate.

(B) The wine grapes have been:

(i) Harvested from a county known to be free of vine mealybug or from a vineyard that has been officially inspected and found free of vine mealybug; or,

(ii) The fruit has been hand harvested from a vineyard infested with vine mealybug and shipped in a covered container. Any pomace resulting from pressing of the wine grapes must be placed in piles located away from vineyard rows and securely covered with clear plastic for four (4) weeks or composted for four (4) weeks or any other appropriate method approved by the Department before spreading in vineyards rows.

(d) Phytosanitary Certificate Required: All shipments must be accompanied by a phytosanitary certificate issued by an official of the state of origin certifying that the fruit, grape cuttings, or rooted plants have been inspected and to the best of the knowledge of the inspecting official are free from harmful pests and diseases. In addition, the phytosanitary certificate must certify that rooted plants were grown in sterile soil-less media and treated with a soil or systemic insecticide and a hot water dip treatment effective against vine mealybug and any other pests that may be present in the plant. The phytosanitary certificate must include one of following additional declarations: "Grape plants in this shipment originate from an area that has been officially surveyed and found free of *Xylella fastidiosa*," or

ADMINISTRATIVE RULES

“A representative sample of [fill in number tested] grape plants in this shipment has been tested and found free of *Xylella fastidiosa*.”

NOTE: Depending on origin, other State quarantines may apply (e.g. glassy-winged sharpshooter, European brown garden snail, Japanese beetle) and may require other additional declarations on the phytosanitary certificate.

(e) Notification of regulated commodity shipment of *Vitis* plants, cuttings, or similar propagative material is required as described in OAR 603-054-0027. Notification of Imported Trees and Shrubs. The Department may require that shipments be held until inspected and released. If the recipient is not a licensed nursery, the Department may charge established rates for time and mileage to recover the cost of inspection.

(6) Control and eradication methods for harmful pests and diseases. Control and eradication methods used shall only be those approved by the Department and will be based on the best available science. These methods may include:

(a) Destruction of infected plants or composting of infected fruit, including pomace;

(b) A directive specifying implementation of Departmentally approved mitigation measures to prevent the spread of the harmful pest or disease;

(c) A directive requiring the equipment, tools, and machinery used within an infested area be thoroughly cleaned of all dirt and debris by the use of steam under pressure.

(7) Properties within Oregon. Properties where harmful pests and diseases are known to occur must implement mitigation methods as approved by the Department to prevent further spread of the harmful pest or disease (see Section (6)).

(8) Violation of Quarantine. All covered commodities determined to be in violation of this quarantine, shall be immediately returned by the recipient to the point of origin or, at their option and without expense or indemnity paid by the Department, destroyed. Violation of this quarantine may result in a fine, if convicted, of not less than \$500 nor more than \$5,000 as provided by ORS 561.990(4). Violators may also be subject to civil penalties of up to \$10,000 as provided by ORS 561.995 and 570.990 and 570.995; nursery license suspension or nursery license revocation.

(9) Exceptions. 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 special 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 a harmful pest or disease.

(10) Review. The Department and other interested parties shall review the quarantine pest list and restrictions biennially for accuracy and effectiveness.

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 913(19-69), f. 12-26-69, ef. 1-25-70; AD 939(7-71), f. 8-18-71, ef. 9-1-71; Suspended by DOA 19-2001(Temp), f. & cert. ef. 9-11-01 thru 2-22-02; DOA 14-2002, f. & cert. ef. 5-23-02; DOA 2-2005, f. & cert. ef. 2-14-05; DOA 5-2010, f. & cert. ef. 1-28-10; DOA 12-2014, f. & cert. ef. 7-29-14

603-052-1221

Quarantine; Glassy-Winged Sharpshooter

(1) Establishing a Quarantine. A quarantine is established against glassy-winged sharpshooter, *Hoalodisca coagulata*. This quarantine is established under ORS 561.510 and 561.540 to protect Oregon's agricultural industries from the artificial spread of glassy-winged sharpshooter. Glassy-winged sharpshooter is a vector of Pierce's disease, *Xylella fastidiosa* (see OAR 603-052-0051), in grapes and other diseases of important horticultural plants. Glassy-winged sharpshooter is not known to be established in Oregon. Introduction of glassy-winged sharpshooter could result in serious damage to vineyards in Oregon and cause trade restrictions on many other host plants.

(2) Area under Quarantine: Mexico; the entire States of Alabama, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, and Texas; and any other state found to be infested with glassy-winged sharpshooter during the life of this quarantine. In Oregon, any property where glassy-winged sharpshooter is found.

(3) Commodities Covered: All plants referenced in Appendix A. This does not include cut flowers, cut foliage, leafless budwood, grafting wood, or dormant, leafless nursery stock except all types of propagative material of grape plants (*Vitis* spp.) (see (4)(c) below). All life stages of the glassy-winged sharpshooter, including eggs, nymphs, and adults.

(4) Provisions of the Quarantine: All shipments of covered commodities from areas under quarantine outside the state of Oregon are prohibited unless they meet the conditions below:

(a) Covered commodities, except grape plants (*Vitis* spp., see (4)(b)), originating from the area under quarantine including infested counties in California: Fresno, Imperial, Kern, Los Angeles, Madera, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Santa Clara, Tulare, Ventura, and any other county found to be infested with glassy-winged sharpshooter during the life of this quarantine, must meet either (A) or (B) below.

NOTE: An infestation is defined as an established, reproducing population as evidenced by positive trap catches or sightings over more than one generation of the glassy-winged sharpshooter or more than one life stage of the glassy-winged sharpshooter found on plants not including regulatory interceptions on recently imported plants.

(A) Originate from nurseries under compliance agreement with the state of origin Department of Agriculture requiring adherence to specific protocols to ensure that shipped host nursery stock is free of glassy-winged sharpshooter; or

(B) Have been treated with a registered pesticide effective at killing all stages of glassy-winged sharpshooter prior to shipment as near to the time of shipping as is reasonably possible. A phytosanitary certificate or certificate of quarantine compliance must accompany the shipment with one of the following additional declarations: “All glassy-winged sharpshooter host plants in this shipment have been grown in a nursery under compliance agreement with the [fill in state] Department of Agriculture to ensure freedom from glassy-winged sharpshooter,” or: “All glassy-winged sharpshooter host plants in this shipment have been treated with [fill in name and rate of pesticide] for glassy-winged sharpshooter.”

(b) Grape plants (*Vitis* spp.) from the area under quarantine, including infested counties in the state of California (see (4)(a)), must be treated for glassy-winged sharpshooter as in (4)(b)(A) or (B) above. A phytosanitary certificate must accompany the shipment with one of the following additional declarations: “Grape plants (*Vitis* spp.) in this shipment have been treated for glassy-winged sharpshooter with [fill in name and rate of pesticide],” or “Grape plants (*Vitis* spp.) in this shipment have been grown under a compliance agreement with the [fill in state] Department of Agriculture to ensure freedom from glassy-winged sharpshooter.”

(c) Notification of regulated commodity shipment is required as described in OAR 603-054-0027. The shipper shall mail, FAX or e-mail documents including the phytosanitary certificate or certificate of quarantine compliance, listing the type and quantity of plants, address of shipper, address of recipient, test results if required in (4)(c) above, and contact phone 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.

(d) Sites within Oregon where glassy-winged sharpshooter is found associated with covered commodities imported from the area under quarantine must be treated with a registered pesticide effective at killing all stages of glassy-winged sharpshooter. All imported host material received from areas under quarantine must be treated as well as all other host material in a reasonable buffer zone approved by the Oregon Department of Agriculture. Host material within the spray block may not be moved or sold until after it is treated. In cases where spray blocks include more than one owner, each owner will be responsible for spraying host material on their own property.

(5) Violation of quarantine. Violation of this quarantine may result in a fine, if convicted, of not less than \$500 nor more than \$5,000, as provided by ORS 561.990(4). Violators may also be subject to civil penalties of up to \$10,000 as provided by Oregon Laws 1999, chapter 390, section 2; nursery license suspension or nursery license revocation. 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. [Appendix not included. See ED. NOTE.]

(6) Exceptions. 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 special 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 a harmful pest or disease.

(7) Review. The Department and other interested parties shall review the quarantine and restrictions biennially for accuracy and effectiveness.

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

Stat. Auth.: ORS 561.190, 561.510 & 561.540

ADMINISTRATIVE RULES

Stats. Implemented: ORS 570.305
Hist.: DOA 35-2000, f. & cert. ef. 12-15-00; DOA 1-2006, f. & cert. ef. 1-13-06; DOA 2-2007, f. & cert. ef. 1-30-07; DOA 7-2008, f. & cert. ef. 2-8-08; DOA 2-2014, f. & cert. ef. 2-14-14; DOA 12-2014, f. & cert. ef. 7-29-14

.....
**Department of Agriculture,
Oregon Sheep Commission
Chapter 644**

Rule Caption: Change assessed commodity to sheep on per head basis; modify handler definition, collection process

Adm. Order No.: SHEEP 2-2014

Filed with Sec. of State: 7-23-2014

Certified to be Effective: 7-23-14

Notice Publication Date:

Rules Amended: 644-010-0005, 644-010-0010, 644-010-0015, 644-010-0020, 644-010-0025

Subject: These rules are being refiled due to a filing error. The 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 cents 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.

Rules Coordinator: Richard Kosesan—(503) 370-7024

644-010-0005

Definitions

The following definitions will apply to division 10 and division 30 Administrative Rules of the Oregon Sheep Commission.

(1) "Person" means any individual, group of individuals, corporation, association, partnership, joint stock company, or any other legal entity.

(2) "Commission" means the Oregon Sheep Commission.

(3) "Handler" means any processor, distributor, auction market, or other person engaged in handling or marketing sheep, whether as owner, agent, employee, broker, or otherwise, who buys sheep from a producer and receives sheep in the first instance from a producer for resale or processing.

(4) "Producer" means any person, as defined in OAR 644-010-0005(1), who raises, breeds, and produces sheep for sale, including anyone who markets sheep or sheep products of that person's own production directly to consumers.

(5) "Sheep" means an animal of the ovine species, regardless of age, including rams and ewes.

Stat. Auth.: ORS 576

Stats. Implemented: ORS 576

Hist.: SC 2, f. 12-20-77, ef. 1-1-78; SHEEP 1-2004, f. & cert. ef. 1-8-04; SHEEP 1-2014, f. 6-30-14, cert. ef. 7-1-14; SHEEP 2-2014, f. & cert. ef. 7-23-14

644-010-0010

Assessments

(1) Each handler making payment to a producer shall deduct an assessment of \$0.50 per head from the sale of each live sheep sold by the producer and remit the assessment of \$0.50 per head to the Oregon Sheep Commission at quarterly intervals as defined by OAR 644-010-0015(1). If the handler is receiving sheep for resale, the assessment shall be forwarded to subsequent purchaser. The assessment will be remitted by the final handler at time of final harvest.

(2) Each person processing or causing to be processed sheep of that person's own production shall pay an assessment at the rate of \$0.50 per head to the Oregon Sheep Commission for each live sheep sold for slaughter or custom processing. The assessment shall be remitted to the Commission at quarterly intervals as defined by OAR 644-010-0015(1).

(3) A producer who markets sheep to an out-of-state handler is responsible to remit the assessment of \$0.50 per head to the Commission as

required by ORS 576.345, unless the subsequent purchaser voluntarily agrees to deduct the assessment of \$0.50 per head from the proceeds owed to the producer and to remit to the Oregon Sheep Commission as specified under OAR 644-010-0015.

(4) The assessment will be collected on any sheep that has been fed or grazed in Oregon for at least 30 consecutive days during the preceding 12 months prior to the date of sale.

Stat. Auth.: ORS 576

Stats. Implemented: ORS 576.304(2) & 576.325(4)(f)

Hist.: SC 2, f. 12-20-77, ef. 1-1-78; SC 1-1985, f. & ef. 11-20-85; SHEEP 1-2004, f. & cert. ef. 1-8-04; SHEEP 1-2005, f. 12-15-05 cert. ef. 1-1-06; SHEEP 1-2006, f. 12-12-06, cert. ef. 1-1-07; SHEEP 1-2010(Temp), 12-15-10, cert. ef. 1-1-11 thru 3-31-11; SHEEP 1-2011, f. & cert. ef. 2-14-11; SHEEP 1-2014, f. 6-30-14, cert. ef. 7-1-14; SHEEP 2-2014, f. & cert. ef. 7-23-14

644-010-0015

Reports and Payment of Assessment Moneys

(1) Handlers shall remit collected assessments on a quarterly basis, with a completed and signed assessment report on commission approved forms. The information specified in OAR 644-010-0015(3) may be provided in a separate printed report, if accompanied by a signed commission approved assessment form. Assessment reports shall include all purchases by or deliveries to a handler of sheep. Quarterly assessment reports are due in the commission office postmarked on or before the 10th day of the month following the end of the quarter. Quarterly assessments shall be reported as follows.

(a) January, February, March assessments report must be postmarked on or before April 10th;

(b) April, May, June assessments report must be postmarked on or before July 10th;

(c) July, August, September assessments report must be postmarked on or before October 10th;

(d) October, November, December assessments report must be postmarked on or before January 10th.

(2) If the producer sells, ships, or otherwise disposes of sheep to any person outside Oregon, the producer shall deduct the assessment of \$0.50 per head from the proceeds owed to the producer and remit to the Commission at quarterly intervals as specified in OAR 644-010-0015(1).

(3) Each person collecting the assessment must provide to the person from whom the assessment was deducted a receipt including:

(a) Name and address of the person collecting the assessment,

(b) Date of sale,

(c) Name and address of the person who paid the assessment,

(d) Number of head of sheep sold, and

(e) Total assessment paid by the producer.

Stat. Auth.: ORS 576

Stats. Implemented: ORS 576

Hist.: SC 2, f. 12-20-77, ef. 1-1-78; SHEEP 1-2003, f. & cert. ef. 1-6-03; SHEEP 1-2004, f. & cert. ef. 1-8-04; SHEEP 1-2014, f. 6-30-14, cert. ef. 7-1-14; SHEEP 2-2014, f. & cert. ef. 7-23-14

644-010-0020

Penalties

(1) A handler who delays transmittal of funds to the Commission beyond the time specified in OAR 644-010-0015(1) shall pay a penalty of 10 percent of the amount due and shall also pay one and one-half percent interest per month on the unpaid balance of the assessment.

(2) By majority vote, the Commission may waive or adjust penalties for good cause or if the assessment is deemed uncollectible.

Stat. Auth.: ORS 576

Stats. Implemented: ORS 576

Hist.: SC 2, f. 12-20-77, ef. 1-1-78; SHEEP 1-2004, f. & cert. ef. 1-8-04; SHEEP 1-2014, f. 6-30-14, cert. ef. 7-1-14; SHEEP 2-2014, f. & cert. ef. 7-23-14

644-010-0025

Effective Dates of Assessment

The assessment to be withheld and paid by a handler, processor, distributor, auction market, or other person engaged in handling or marketing sheep shall begin with sheep purchased or sold on or after July 1, 2014.

Stat. Auth.: ORS 576

Stats. Implemented: ORS 576

Hist.: SC 2, f. 12-20-77, ef. 1-1-78; SHEEP 1-2004, f. & cert. ef. 1-8-04; SHEEP 1-2014, f. 6-30-14, cert. ef. 7-1-14; SHEEP 2-2014, f. & cert. ef. 7-23-14

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

Rule Caption: Aligning faculty qualifications, eliminating adverse impact process, and updating GED rules.

ADMINISTRATIVE RULES

Adm. Order No.: DCCWD 5-2014

Filed with Sec. of State: 7-22-2014

Certified to be Effective: 7-22-14

Notice Publication Date: 5-1-2014

Rules Amended: 589-006-0050, 589-006-0100, 589-006-0150, 589-006-0200, 589-006-0300, 589-006-0350, 589-006-0400, 589-007-0400, 589-007-0500, 589-008-0100

Subject: Two administrative rules influence faculty qualifications at Oregon community colleges. One is specific to instructors of dual credit programs (589-007-0020) and one is a general rule pertaining to personnel policies and instructor approval (589-008-0010). The rule amendment aligns community college faculty qualifications between both rules.

HB 3079 (2013) and HB 3341 (2013) eliminated the adverse impact process for new publicly funded postsecondary programs and locations. This rule amendment helps community colleges develop and deliver new programs without having to go through a time consuming and rigorous process of consulting with other public and private colleges. Changes to the Community College Approval section will impact OAR 589-006-0500 and 589-006-0150. Housekeeping to correct grammar, punctuation, and definitions have been applied throughout Division 6, Chapter 589.

Current rules are written to support the 2002 GED test series which no longer exists. It is necessary to make changes to the current rules to reflect the new 2014 GED test series. As of January 2, 2014, GED Testing Service (GEDTS) launched the new 2014 GED test series that assesses the knowledge and skills needed for the workplace and for higher education. The new 2014 test series is made up of four subtests, offered as computer-based only, and has new test fee. Additional changes that have occurred with the new test series affect state administration. The State will no longer provide administrative oversight of GED examiners; this will be done locally by the hiring entities. Further, potential new test centers will now only need to apply to GEDTS as opposed to applying to both GEDTS and the State. Lastly, GED records are now housed online through a third party vendor for easy access by GED candidates and companies wanting to verify GED credentials. The amendment of current rules will support the new GED test series and the new fee structure.

Rules Coordinator: Angela Rico—(503) 378-5690

589-006-0050

Definitions

For the purposes of division 6 of chapter 589, the following definitions apply:

(1) “Academic standard of achievement” means demonstrated achievement, proficiency, or measured learning acknowledged as meeting a predetermined academic standard, which is normally noted through a record transcribed and maintained by the college.

(2) “Associate degree” means a state-approved lower division undergraduate award issued by a community college that indicates satisfactory completion of a course of study approved by the community college board.

(3) “Associate of Applied Science (AAS)” means a state-approved associate degree that is intended to prepare graduates for direct entry into the workforce. AAS degrees may also help to prepare students for career advancement, occupational licensure, or further study at the baccalaureate level.

(4) “Associate of Applied Science degree option” means a transcripted specialization within a state-approved associate degree that is intended to prepare graduates for direct entry into the workforce.

(5) “Associate of Arts Oregon Transfer (AAOT) degree” means a state-approved associate degree that is intended to prepare students to transfer into upper division courses for a baccalaureate degree.

(6) “Associate of General Studies” means a state-approved associate degree that is intended to meet the individual student needs using a variety of collegiate-level courses to meet degree requirements.

(7) “Associate of Science” means a state-approved associate degree that is intended to prepare students to transfer into an upper division baccalaureate degree program in areas such as Business, Science, Mathematics and Engineering. The Associate of Science degree is often designed to meet the requirements of a specific receiving institution.

(8) “Business and Industry Based program” means an Associate of Applied Science degree or certificate of completion designed for employees to meet specific occupational and educational needs of their current employees.

(9) “Career Pathways Certificate of Completion” means a form of certificate awarded by a community college for meeting specific technical skill proficiency requirements that meet an employment need. Career Pathways Certificates pertain to a grouping of 12 to 44 credits that are wholly contained in an approved Associate of Applied Science (AAS) degree/option or an Independent Certificate of Completion (with a minimum size of 45 credits), have a defined job entry point, represent collegiate-level work, and meet Higher Education Coordinating Commission standards and criteria.

(10) “Career Technical Education courses” means the collegiate-level occupational preparatory or occupational supplementary courses that are designed to prepare persons for entrance into and employment stability and advancement in specific occupations or clusters of closely related occupations. Career Technical Education courses include both occupational preparatory and occupational supplementary courses.

(11) “Career Technical Education program” means collegiate-level coursework that is designed to prepare persons for entrance into and employment stability and advancement in specific occupations or clusters of closely related occupations. Career Technical Education programs result in the achievement of a state-approved certificate of completion, associate of applied science degree or associate of applied science degree option.

(12) “Certificate of Completion” means a form of recognition awarded by a community college for meeting minimum occupational course, curriculum or proficiency requirements. Certificates of completion must be state-approved, have a defined job entry point, represent collegiate-level work, and meet Higher Education Coordinating Commission standards and criteria.

(13) “Clock or contact hours” means one clock (or contact) hour that is 60 minutes long. No more than 10 minutes of each hour can be used for a regularly-scheduled break or passing period.

(14) “Collegiate-level work” means course and program content that provides skills and information beyond that which is normally gained before or during the secondary level. It is characterized by analysis, synthesis and application in which students demonstrate an integration of skills and critical thinking. It is a term that denotes more than college or university transfer courses. It also includes Career Technical Education and other courses that exceed basic skills, workplace readiness and fundamental basic skills. Courses must be collegiate-level if used to fulfill a requirement in an associate degree, option or certificate of completion program.

(15) “Complementary courses in general education” means as courses that are designed to serve as supportive parts of Career Technical Education. They are designed to aid students in attaining a higher degree of self-development and to assist the student to make a maximum contribution as a citizen in a democratic society.

(16) “Continuing education units (CEUs)” means a form of recognition given for completion of a unit of training for selected occupational supplementary courses. CEUs are based on time attended and not on the assessment of learning.

(17) “Credit” means an indication or certification by a school that a student has completed a unit of study, demonstrated achievement or proficiency, or manifested measured learning outside of school, so as to have satisfied a portion of the requirements for a degree or for any other academic recognition offered by the school.

(18) “Credit course” means courses offered by the college as part of a lower division transfer degree or approved Career Technical Education program.

(19) “Degree” means any academic or honorary title, rank or status that may be used for any purpose whatsoever, which is designated by a symbol or series of letters or words such as, but not limited to, associate, bachelor, master, or doctor, and forms or abbreviations thereof that signifies, purports, or may generally be taken to signify:

(a) Completion of a course of instruction at the college or university level; or

(b) Demonstration of achievement or proficiency comparable to such completion; or

(c) Recognition for nonacademic learning, public service or any other reason of distinction comparable to such completion.

(20) “Deleted program” means the permanent elimination of a program previously approved by community college boards and the Higher Education Coordinating Commission.

ADMINISTRATIVE RULES

(21) "Detrimental duplication" means a situation that occurs when recruitment of students for a new program or location will tend to redirect prospects from a fixed pool concomitant with the application of publicly funded educational cost subsidies, thereby significantly reducing enrollment in existing similar programs for which student financial aid is available but the number of prospective enrollees is limited by non-financial factors such as interest, qualifications needed for admission, internship openings for students, and job openings for graduates.

(22) "Direct control" means the community college maintains direct and sole responsibility for the academic quality of all aspects of all programs and courses through management and supervision by faculty and institutional administrators.

(23) "Educational programs" means state-approved certificates of completion and associate degree programs.

(24) "General education" means the introduction to the content and methodology of the major areas of knowledge including the humanities and fine arts, the natural sciences, mathematics, and the social sciences and helps students develop the mental skills that will make them more effective learners and citizens in a democratic society.

(25) "Higher Education Coordinating Commission" means the Higher Education Coordinating Commission established by ORS 351.715.

(26) "Hobby course" means any directed activity engaged in by individuals as an avocation resulting in a collection of objects or in the production of works.

(27) "Intersegmental" means across segments of education. See "Segment of education."

(28) "Laboratory or lab" means an instructional setting in which students work independently with the instructor available and in the instructional area for assistance and supervision.

(29) "Lecture" means an instructional setting in which the instructor delivers information.

(30) "Lecture or laboratory (lecture or lab)" means an instructional setting in which the instructor gives short presentations and supervises student application of content. Instructional methods are integrated, and lecture and lab are dependent upon each other for the student's educational success.

(31) "Local community college program approval" means the approval by the local community college board of education or its designee indicating that a program has met or exceeded local community college program standards and processes prior to being submitted to the Higher Education Coordinating Commission or its designee for review.

(32) "Lower Division Collegiate (LDC)" means collegiate-level work in areas of instruction that parallel the offerings of the first two years of Oregon's four-year institutions, and are generally accepted for transfer by Oregon's public higher education institutions.

(33) "New location of an approved program" means a facility where students collectively may receive instruction in the program face-to-face or through telecommunications in a community not previously so served, including a non-Oregon location within 50 miles of where a comparable program is located in Oregon.

(34) "New program" means any program not previously approved by the Higher Education Coordinating Commission, the Office of Degree Authorization or by their predecessor review authorities, regardless of whether it comprises new instructional components or the reassembled components of existing programs.

(35) "Non-credit course" means a course that does not offer college credit for completion and generally cannot be used as part of a credit based degree or certificate program. No assessment of learning generally takes place.

(36) "Occupational preparatory program" means a state-approved Career Technical Education program which is designed to prepare persons for employment in a specified occupation or cluster of closely related occupations.

(37) "Occupational supplementary program" means a state-approved program designed for individuals who have already entered an occupation and seek to improve their occupational skills and knowledge in order to achieve employment stability or advancement.

(38) "Other education courses" means general self-improvement courses intended primarily for adults and independent of Career Technical Education or lower division curricula. These courses are not intended for programs that may lead toward a baccalaureate degree. These courses may be used as prerequisite and elective courses in Career Technical Education degree and certificate programs. Other education courses include areas of instruction not otherwise included in the Career Technical Education and lower division collegiate categories. Other education course areas include

but are not limited to adult basic education (ABE), general educational development (GED), adult high school completion (AHS), English as a second language (ESL), and self-improvement courses not fitting into previously listed categories.

(39) "Program" means any organized teaching and learning activity in which successful completion qualifies a student for a degree, a certificate of substantial academic or vocational learning short of a degree, a certificate of preparation related to new or modified occupational licensure, or another academic or vocational certificate that represents a shorter period of activity but has value as a public credential.

(40) "Program amendment" means a change in a state-approved program submitted to the Higher Education Coordinating Commission or its designee by a college to receive approval to revise the program. Revisions include minor changes in curriculum content, courses, program outcomes and titles.

(41) "Program approval" means the process by which the local community college board and the Higher Education Coordinating Commission acknowledge that a program has met the applicable program standards and requirements of the local and Higher Education Coordinating Commissions or its designees. Program approval also includes the authorization of the program by the Office of Degree Authorization.

(42) "Publicly funded" means controlled by an agency of government or by a public corporation as occurs in Oregon community colleges, institutions of higher education, and the Oregon Health & Science University, regardless of specific sources and applications of funds, or controlled by a private entity but subsidized with appropriated public funds received directly for program operation rather than indirectly in the form of student financial aid.

(43) "Recognition award" means an award given to a student by a community college for completion of a state-approved course or courses or for attendance and participation in workshops or seminars. Recognition awards may not be called "certificates of completion" or "certificates" and may not be included on the official student transcript.

(44) "Recreational course" means any directed activity in which individuals participate with the purpose of engaging in physical activity, except those activities which focus on physical fitness or which directly relate to the initial skill development of physical activities in which individuals could reasonably be expected to participate during most of their adult lives.

(45) "Related instruction" means programs of study for which applied or specialized associate degrees are granted, or programs of an academic year or more in length for which certificates are granted. They must contain a recognizable body of instruction in program-related areas of communication, computation and human relations. Additional topics which should be covered as appropriate include safety, industrial safety, and environmental awareness. Related instruction areas are either embedded within the program curriculum or taught in blocks of specialized instruction.

(46) "Segment of education" means any one of the following:

(a) Oregon community colleges, community college districts, or service districts, together with every other postsecondary program or location ultimately sponsored by the Higher Education Coordinating Commission;

(b) Oregon state-owned institutions of higher education and related organizational units, together with every other postsecondary program or location ultimately sponsored by the Higher Education Coordinating Commission;

(c) The Oregon Health & Science University, any hereafter created public corporations for higher education, and any organizational units of such public corporations, together with every postsecondary program or location under their ultimate sponsorship;

(d) Private Oregon degree-granting institutions and organizations and all non-Oregon entities offering residential instruction in Oregon for credit toward full degrees approved by the Office of Degree Authorization, together with every postsecondary program or location they sponsor; and

(e) Private nondegree career schools offering instruction in Oregon and licensed under ORS 345, together with every postsecondary program or location they sponsor.

(47) "Stand-alone occupational preparatory courses" means courses designed for individuals seeking to build knowledge and skills for initial employment in an area not included in one or more of a community college's existing approved Associate of Applied Science degree or certificate of completion programs. Also see Occupational Preparatory Program.

(48) "Statewide or regional consortium program" means an associate of applied science or certificate of completion program which is developed, applied for and continuously monitored by a partnership of colleges to address a specific program need through a cohesive and transferable curriculum among participating colleges.

ADMINISTRATIVE RULES

(49) “State-approved program” means a community college certificate of completion or associate degree program that has met and continues to meet the standards and criteria of the Higher Education Coordinating Commission and has received authorization by the Office of Degree Authorization.

(50) “Suspended program” means the temporary removal of a state-approved program from the overall curriculum of a community college by the local community college board of education or their designee.

Stat. Auth.: ORS 326.051

Stats. Implemented: 341.425, 341.465

Hist.: DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 1-2007(Temp), f. & cert. ef. 6-15-07 thru 12-11-07; DCCWD 3-2007, f. & cert. ef. 9-6-07; DCCWD 2-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14; DCCWD 5-2014, f. & cert. ef. 7-22-14

589-006-0100

General Community College Program Approval Requirements

(1) The Higher Education Coordinating Commission has responsibility for approval of community college educational programs and locations.

(2) The Higher Education Coordinating Commission shall provide community college district boards of education with the standards, criteria and procedures the Higher Education Coordinating Commission will utilize to approve certificate of completion and associate degree programs and new locations for previously approved programs. Such standards shall be included in the Certificate of Completion and Associate Degree Approval Procedures identified by the department.

(3) The Higher Education Coordinating Commission shall ensure that new community college educational programs have been authorized by the Office of Degree Authorization prior to providing the local community college with final approval of new community college programs and locations.

(4) Requests for approval of new associate degree, associate degree option and certificate of completion programs must be submitted by the community college board of education to the Higher Education Coordinating Commission prior to commencement of the program.

(5) Associate degree programs offered by community colleges may include Associate of Arts Oregon Transfer degree, Associate of Science, Associate of Applied Science and Associate of General Studies. Each associate degree program shall conform to the specific degree requirements as identified in the Certificate of Completion and Associate Degree Approval Procedures identified by the Department.

(6) Certificate of completion programs offered by community colleges shall include less than one-year, one-year, greater than one-year, and two-year certificates of completion. Each certificate of completion shall conform to the specific certificate of completion requirements as identified in the Certificate of Completion and Associate Degree Approval Procedures identified by the department.

(7) To meet the approval standards of the Higher Education Coordinating Commission, associate degree and associate degree option programs must:

(a) Include at least 90 total credits; and

(b) Be no more than 108 credits; and

(c) Have a recognizable core of general education or related instruction courses; and

(d) Have an established standard of academic achievement; and

(e) Meet or exceed the local community college board of education program approval standards; and

(f) Meet or exceed the Higher Education Coordinating Commission program approval standards and criteria.

(8) Meet the approval standards by the Higher Education Coordinating Commission, certificate of completion programs must include:

(a) Include at least 12 credits; and

(b) Be no more than 108 credits; and

(c) Have a recognizable core of general education or related instruction courses for programs one-year or more in length; and

(d) Have an established standard of academic achievement; and

(e) Demonstrate occupational content leading to employment; and

(f) Meet or exceed the local community college board of education program approval standards; and

(g) Meet or exceed the Higher Education Coordinating Commission program approval standards and criteria.

(9) Certificate of completion and associate of applied science degree programs shall include a designation of the particular occupation, career or career area as a component of the award title.

(10) Associate of Arts Oregon Transfer and Associate of General Studies degrees shall not include a designation of major or areas of study as a component of the award title. The Associate of Science degree may

have this designation only if it conforms to a statewide degree approved by the Higher Education Coordinating Commission.

(11) Options to constitute a variation in the state-approved degree are allowable only for associate of applied science degree programs. Associate of applied science degree options may be added to new or existing associate of applied science degree programs following the procedures in the Certificate of Completion and Associate Degree Approval Procedures identified by the department.

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

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 341.425 & 341.465

Hist.: 1EB 132, f. 5-19-72, ef. 6-1-72; 1EB 166, f. 2-20-74, ef. 3-11-74; 1EB 263, f. & ef. 7-5-77; 1EB 9-1983, f. & ef. 10-13-83; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-042-0005, 581-042-0010 & 581-042-0015; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-043-0000; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 2-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14; DCCWD 5-2014, f. & cert. ef. 7-22-14

589-006-0150

Local Community College Responsibilities for Program Approval

(1) Community college boards will have local processes in place to ensure that local and state program approval standards and criteria are implemented and maintained.

(2) Community college boards are responsible for approving their college’s certificate of completion, associate degree and associate degree option requirements. These requirements must be included in the institution catalog.

(3) The community college board of education has the responsibility to assure that state-approval standards are achieved for all programs offered by the local community college.

(4) Community colleges must follow the program approval process as outlined in the Oregon Community Colleges Handbook & Planning Guide.

(5) Community colleges shall use the term “Certificate” or “Certificate of Completion” in college catalogs and college promotional documents and on transcripts only as an indication of an award by the college that has met the local and state program approval standards and criteria and have been approved by the Higher Education Coordinating Commission and authorized by the Office of Degree Authorization.

(6) Community college boards of education will submit programs using the Certificate of Completion and Associate Degree Approval Procedures identified by the department.

(7) The board of education of a community college district is responsible for obtaining and maintaining the course approval requirements set by the Higher Education Coordinating Commission.

(8) Community colleges may provide recognition awards to students for the completion of a state-approved course or courses. Recognition awards may not be called “certificates of completion” or “certificates” and may not be included on the official student transcript. Recognition awards may not be provided for coursework meeting the definition of “program” without state approval.

(9) Upon approval by the Higher Education Coordinating Commission, the Board authorizes the community college board of education, established under ORS 341.005 to 341.950, to issue certificates of completion and associate degrees as an indication of satisfactory completion of state approved programs offered by the community college.

(10) The type of associate degree, associate degree option or certificate of completion to be awarded for completion of a program shall be clearly stated in the community college’s catalog or supplement thereto.

(11) Only educational programs that have received program approval from the community college board, the Higher Education Coordinating Commission and the Office of Degree Authorization shall be included in a community college catalog or other materials.

(12) Prerequisites for associate degree, associate degree option, and certificate of completion programs and courses within the programs shall be clearly stated in the community college’s catalog or supplement thereto.

[Publications referenced are available from the agency.]

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 341.425 & 341.465

Hist.: DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 2-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14; DCCWD 5-2014, f. & cert. ef. 7-22-14

589-006-0200

Approval of Lower Division Collegiate Programs and Courses

(1) Under the authority of ORS 341.425, the Higher Education Coordinating Commission delegates to the department the authority to approve lower division collegiate courses.

(2) A community college that is accredited by the Northwest Commission on Colleges and Universities shall follow the department’s

ADMINISTRATIVE RULES

lower division collegiate course approval procedure to request new courses.

(3) A community college that is not accredited by the Northwest Commission on Colleges and Universities shall apply for approval through their contracting college.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 341.425

Hist.: 1EB 132, f. 5-19-72, ef. 6-1-72; 1EB 166, f. 2-20-74, ef. 3-11-74; 1EB 172, f. 6-17-74, ef. 9-1-74; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-042-0020, 581-042-0025, 581-042-0030 & 581-042-0035; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-043-0275; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 2-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14; DCCWD 5-2014, f. & cert. ef. 7-22-14

589-006-0300

Approval of Career Technical Education Courses, Certificate of Completion and Associate of Applied Science Degree Programs

(1) Under the authority of ORS 341.425, the Higher Education Coordinating Commission delegates to the Department the authority to approve Career Technical Education courses.

(2) Career Technical Education courses consist of either occupational preparatory courses or occupational supplementary courses.

(3) The department will use the Career Technical Education Course Approval Procedure and Certificate of Completion and Associate Degree Approval Procedure to approve Career Technical Education courses and programs.

(4) Career Technical Education courses are approved by the Higher Education Coordinating Commission or its designee, either as a component of the curriculum for a state-approved certificate of completion, associate of applied science degree, or associate of applied science degree option program, or through an individual course approval process as identified in the Career Technical Education Course Approval Procedure.

(5) Higher Education Coordinating Commission standards for approval of occupational preparatory courses are included in the Career Technical Education Course Approval Procedure and include but are not limited to:

(a) Courses are delivered under the direct control of the college and are either:

(A) Approved as part of a community college certificate of completion, associate of applied science degree program, or associate of applied science degree option; or

(B) Approved as a stand-alone occupational preparatory course.

(b) Courses are collegiate-level and provide education and training directed to the development of abilities, skills, understanding, and attitudes needed to enter into an occupation.

(c) Courses are designed for occupational employment and are not necessarily directed toward completion of baccalaureate degree requirements.

(d) Courses are developed and operated with the advice and counsel of employers, employees and other persons knowledgeable about the requirements of the occupations involved.

(e) Courses will not adversely impact or detrimentally duplicate similar intersegmental courses offered locally.

(6) Higher Education Coordinating Commission standards for approval of occupational supplementary courses are included in the Career Technical Education Course Approval Procedure and include but are not limited to:

(a) Courses are delivered under the direct control of the college and may or may not be components of a community college certificate of completion or associate of applied science degree program.

(b) Courses are not necessarily directed toward the completion of requirements for a baccalaureate degree.

(c) Courses are collegiate-level and provide education and training designed to develop or enhance abilities, skills, understandings and attitudes needed to improve occupational skills in order to achieve employment stability or advancement.

(d) Courses are developed and operated with the advice and counsel of employers, employees and other persons knowledgeable of the requirements of the occupation involved.

(e) Courses will not adversely impact or detrimentally duplicate similar intersegmental courses offered locally.

(7) Occupational preparatory courses may not be offered by the local community college prior to the approval of the Higher Education Coordinating Commission or its designee.

(8) Occupational supplementary courses may be offered by the local community college prior to final approval by the department as identified

in the Career Technical Education Course Approval Procedure under conditions that include the following:

(a) The local community college has a local course approval process in place and assures that the occupational supplementary standards have been met.

(b) The community college is willing to take the risk that the course may not be approved and may be non-reimbursable.

(9) Career Technical Education courses will be numbered using course numbering conventions as approved by the department.

(10) Career Technical Education programs will be approved by the Higher Education Coordinating Commission based on meeting the general community college program requirements for certificates of completion, associate of applied science degrees or associate of applied science options as identified in 589-006-0100.

(11) Higher Education Coordinating Commission standards and criteria for approval of Career Technical Education are included in the Certificate of Completion and Associate Degree Approval Procedures and include but are not limited to:

(a) The program is developed and will be implemented, operated and evaluated as a joint venture with business, industry and labor; and

(b) The college demonstrates capacity to offer the program and will provide the necessary resources and services to assure that students can attain the skills and knowledge necessary to fulfill the stated objectives of the program, and

(c) The curriculum for the program demonstrates a cohesive instructional system that will lead to the attainment of the academic and Career Technical Education exit proficiencies needed for success in the occupational field; and

(d) The instructional design for the program provides the appropriate access, flexibility and evaluation components to provide appropriate instruction for students within the program; and

(e) The program provides access to all students and provides the necessary additional and supplemental services for special populations and protected classes; and

(f) Program need is based on local, regional, state, and national statistics and forecasts documenting that an employment demand for family wage occupations is not or cannot be met through existing programs; and

(g) The program provides direct connections to appropriate certificates of advanced mastery as well as other programs in the college, other institutions of postsecondary education, and future training opportunities; and

(h) The program has continuous improvement systems in place that provide for program input through evaluation based on instructor, employer and student satisfaction follow-up data.

(12) Career Technical Education programs will include the sequence of courses for the program including general education and related instruction, Career Technical Education required, elective and specialization courses. Program approval materials will also include course numbers, credit/non-credit and clock/contact hours for the course.

(13) Provisions will be made within the Certificate of Completion and Associate Degree Approval Procedures to allow for the development, approval, implementation and evaluation of certificate of completion, associate of applied science degree and associate of applied science degree options for statewide or regional consortium of community colleges. Statewide and regional consortia certificates and degrees will address a specific program need through a cohesive and transferable curriculum among and between participating colleges.

(14) Provisions will be made within the Certificate of Completion and Associate Degree Approval Procedures to allow for the development, approval, implementation, and evaluation of Business and Industry-based programs that are designed for employers to meet specific occupational and educational needs of their current employees.

(15) New Career Technical Education programs will be submitted for approval following the processes outlined in the Oregon Community Colleges Handbook and Planning Guide.

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

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 341.425

Hist.: 1EB 132, f. 5-19-72, ef. 6-1-72; 1EB 166, f. 2-20-74, ef. 3-11-74; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-042-0040, 581-042-0045, 581-042-0050, 581-042-0055 & 581-042-0060; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-043-0290; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 2-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14; DCCWD 5-2014, f. & cert. ef. 7-22-14

ADMINISTRATIVE RULES

589-006-0350

Maintaining Approval of Certificate of Completion and Associate of Applied Science Degree Programs

(1) The approval of community college Career Technical Education programs by the Higher Education Coordinating Commission will continue to be in effect until the program is amended, suspended or deleted from the college's program offerings. The Higher Education Coordinating Commission or its designee may disqualify an approved Career Technical Education program if it no longer meets Higher Education Coordinating Commission program approval standards and criteria.

(2) Once a program has been approved by the Higher Education Coordinating Commission, course additions, deletions, or changes within these programs must be approved by the Higher Education Coordinating Commission or its designee prior to implementation of the revised program.

(3) Associate of Applied Science degree, Associate of Applied Science degree options and Certificate of Completion programs offered by community colleges shall be considered to be active as long as the Annual Program Review Procedure has been followed for the program and the college has not provided notification to the Department of program suspension or program deletion.

(4) Community colleges may request that a program be suspended for a period of three years. The program suspension period will begin on the date the college notifies the Department of its intent to suspend a program. The Department will notify colleges prior to the deletion of suspended programs. After three years suspended programs will require re-approval utilizing the Certificate of Completion and Associate Degree Approval Procedure identified by the department.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 326.051 & 341.626
Stats. Implemented: ORS 341.425 & 341.626
Hist.: 1EB 132, f. 5-19-72, ef. 6-1-72; 1EB 166, f. 2-20-74, ef. 3-11-74; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-042-0065, 581-042-0070, 581-042-0075 & 581-042-0085; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-043-0300; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 2-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14; DCCWD 5-2014, f. & cert. ef. 7-22-14

589-006-0400

Approval of Other Education Courses

(1) Under the authority of ORS 341.425, the Higher Education Coordinating Commission delegates authority to the department to approve other education courses. Such approval authorizes the community college to receive state funding to support those courses.

(2) The department uses the following standards for approval of other education courses:

- (a) The course is primarily intended for adults;
- (b) The course may be developmental in nature and offered for:
 - (A) Adults with less than an eighth grade education through adult basic education classes;
 - (B) Adults with less than a high school diploma through adult high school completion programs;
- (c) Persons who lack sufficient background in subject-matter areas to make satisfactory progress in the lower-division collegiate or professional technical programs of the institution; or
- (d) Persons who lack English language skills needed to make satisfactory progress in the lower-division collegiate or professional technical programs of the institution or to enter the workforce.

(c) The course must include at least six contact hours of instruction focused on a single topic.

(3) Approval of other education courses must follow the department's other reimbursable course approval procedure.

(4) State reimbursement shall not be available for hobby or recreation courses. However, such courses may be provided on a self-sustaining basis.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 326.051 & 341.626
Stats. Implemented: ORS 341.425 & 341.626
Hist.: 1EB 132, f. 5-19-72, ef. 6-1-72; 1EB 166, f. 2-20-74, ef. 3-11-74; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-042-0065, 581-042-0070, 581-042-0075 & 581-042-0085; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-043-0300; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 2-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14; DCCWD 5-2014, f. & cert. ef. 7-22-14

589-007-0400

General Educational Development Program and Certificates of High School Equivalency

(1) The General Educational Development (GED) 2014 test series are a measure of high school equivalency and include the following areas:

- (a) Reasoning through language arts;
- (b) Social studies;
- (c) Science;
- (d) Mathematical reasoning.

(2) All GED test applicants except those confined to Oregon correctional or health institutions must take the GED test at an official GED testing center or an approved military testing center.

(3) Oregon residency is not required to take the GED tests in Oregon. The applicant must have valid state or government issued photo identification.

(4) Local GED examiners shall be approved by the facility authorized by Pearson Vue to provide testing services and official GED testing centers will be approved by GED Testing Service (GEDTS) in consultation with the GED administrator when the following have been documented:

- (a) Need for a new testing site in a specific region or location;
- (b) Willingness of center personnel to meet all testing center requirements described in the GED Examiner's Manual published by GEDTS of the America Council on Education.

(5) The annual contract between local testing centers, the department and the GEDTS shall provide assurances that all state and national requirements shall be met. Failure to meet requirements may result in center closure.

(6) Requirements for a Certificate of Equivalency include:

(a) That, except as provided below, the applicant must be 18 years of age to take the GED tests:

(A) An applicant who is at least 16 years of age, but not yet 18 years of age, may take the GED tests under the following circumstances:

(i) The local school district must certify to authorized Oregon GED lead staff that the applicant is exempt from compulsory school attendance for reasons cited in ORS 339.030(5), 339.250(6) and OAR 581-021-0070, 581-021-0071, and 581-021-0076, and has secured the permission of his or her parent or legal guardian; or

(ii) The Education Service District must certify to authorized Oregon GED lead staff that the applicant is exempt from compulsory school attendance for reasons cited in ORS 339.030(3); or

(iii) The parent or legal guardian must certify to authorized Oregon GED lead staff that the applicant is exempt from compulsory school attendance for reasons cited in ORS 339.030(1). The parent or legal guardian shall specifically indicate that the applicant has permission to take the GED tests; or

(iv) The applicant is enrolled in an approved Option Program for In School Youth as cited in OAR 581-022-1350.

(B) Because ORS 109.510 and 109.520 state that persons are deemed to reach majority upon marriage and because GEDTS policy states that persons must be 16 years of age to take the GED Tests (Examiner's Manual), an applicant that is married is eligible to take the GED tests at the age of 16 without an exemption from compulsory attendance.

(b) The commissioner may, under special and extraordinary circumstances, waive certification requirements in subparagraph (6)(A)(i), (ii) or (iii) of this rule.

(7) The GED lead staff shall ensure that the applicant is advised of:

- (a) Locally available practice testing and preparation opportunities;
- (b) Policies, including limitations on retesting procedures;
- (c) The special GED scores that are required by apprenticeship and some postsecondary educational programs.

(8) To obtain the Certificate of Equivalency, an applicant must achieve a minimum standard score set by GEDTS and the Higher Education Coordinating Commission.

(9) Previous high school enrollment is not required for an applicant to be eligible to receive a Certificate of Equivalency.

(10) Certificate application:

(a) The individual who passes the tests may request for a first free copy of their GED certificate and transcript through a third party vendor the State of Oregon is using at the time. A fee will be charged to the GED candidate for additional copies of the GED transcript and certificate.

(b) Test scores are accepted as official only when reported directly by official GED agencies, the United States Armed Forces Institute, directors of Veterans Administration hospitals, and in special cases by the GEDTS;

(11) Testing centers shall comply with the requirements of the testing program by refusing to administer tests to those who have not reached the age of 18 unless permitted by this rule.

(12) By authorization of the Commission on Educational Credit and Credentials, the department oversees GED tests to individuals confined to state correctional and health institutions.

ADMINISTRATIVE RULES

(13) Upon the recommendation of the Commission on Educational Credit and Credentials of the American Council on Education, the following provisions apply to GED testing of members of the Job Corps stationed in Oregon:

(a) Civilian-restricted forms of the GED test can be administered to Job Corps trainees who have been determined to be eligible by the educational director of the Job Corps Training Center;

(b) Testing will be conducted at official GED agencies, and the usual testing fee will be charged;

(c) Persons taking the test must be at least 18 years of age unless the applicant meets requirements in subparagraph (6) (A)(i), (ii), (iii), or (iv) of this rule.

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

Stat. Auth.: ORS 326.051 & 326.550

Stats. Implemented: ORS 326.550 & 341.425

Hist.: 1EB 49, f. 4-19-60, ef. 5-10-60; 1EB 130, f. 5-5-72, ef. 10-15-72; 1EB 137, f. 8-18-72, ef. 10-1-72; 1EB 194, f. 4-18-75, ef. 7-1-75; 1EB 240, f. & ef. 8-27-76; 1EB 5-1984, f. & ef. 3-7-84; EB 6-1988, f. & cert. ef. 1-14-88; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-046-0010; EB 15-1992, f. & cert. ef. 5-13-92; EB 4-1993, f. & cert. ef. 1-13-93; EB 30-1993(Temp), f. & cert. ef. 9-30-93; EB 36-1993, f. & cert. ef. 12-14-93; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-043-0600; DCCWD 1-2006, f. 4-17-06, cert. ef. 4-18-06; DCCWD 1-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14; DCCWD 5-2014, f. & cert. ef. 7-22-14

589-007-0500

State GED Fees

(1) The Higher Education Coordinating Commission authorizes the department to charge a fee of \$38 per test at the time testing begins (this includes the \$8.00 state administration fee).

(2) Persons seeking a GED equivalency certificate shall be issued that certification upon verification that the state fee has been paid and the requirements of OAR 589-007-0400 have been met.

(3) State fees will be collected by GEDTS at the time a GED candidate registers online for the GED tests and will be distributed to the department on a monthly basis.

(4) A GED high school equivalency certificate will be issued upon successful completion of the four subtests.

(5) Effective January 2, 2014, the state discount retaken test fee of \$10 will be implemented for up to two retaken tests per failed content area provided the retaken tests occur within 12 calendar months.

Stat. Auth.: ORS 326.051 & 326.550

Stats. Implemented: ORS 192.440 & 326.550

Hist.: 1EB 130, f. 5-5-72, ef. 10-15-72; 1EB 258, f. 1-31-77, ef. 2-1-77; 1EB 6-1984(Temp), f. & ef. 3-7-84; 1EB 10-1984, f. & ef. 4-13-84; EB 12-1991, f. & cert. ef. 7-19-91; Renumbered from 581-046-0005; ODE 1-2001, f. 1-25-01, cert. ef. 1-26-01; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0011; DCCWD 1-2009, f. & cert. ef. 7-6-09; DCCWD 1-2013(Temp), f. & cert. ef. 5-31-13 thru 11-27-13; DCCWD 5-2013, f. & cert. ef. 9-20-13; DCCWD 1-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14; DCCWD 5-2014, f. & cert. ef. 7-22-14

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 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; DCCWD 5-2014, f. & cert. ef. 7-22-14

Department of Consumer and Business Services, Insurance Division Chapter 836

Rule Caption: Equality in Treatment of Same-Sex Marriages Validly Performed

Adm. Order No.: ID 11-2014

Filed with Sec. of State: 7-17-2014

Certified to be Effective: 7-17-14

Notice Publication Date: 6-1-2014

Rules Adopted: 836-010-0150

Subject: This rule requires entities regulated by the Department of Consumer and Business Services to treat same-sex marriages validly performed the same as any marriage of heterosexual couples validly performed. The rule is necessary to comply with the recent federal court decisions by the United States Supreme Court and Oregon District Court that held prohibitions on same gender marriage unconstitutional under the U.S. Constitution.

This permanent rule will apply on and after the date the rules are adopted

Rules Coordinator: Victor Garcia—(503) 947-7260

836-010-0150

Marriage of Same-Gender Couple Validly Performed

(1) This rule is adopted under the general rulemaking authority of the Director of the Department of Consumer and Business Services in ORS 731.244 to comply with the United States Supreme Court decision in *United States v. Windsor*, 570 U.S. 12 (2013) and *Geiger v. Kitzhaber*, No. 6: 13-cv-01834-MC (D. Or. May 19, 2014).

(2) Any person or entity subject to regulation by the Department of Consumer and Business Services under the Insurance Code, must consider the marriage of a same-sex couple validly performed the same as the person or entity considers any other marriage validly performed.

(3) This rule applies to any action or activity related to the transaction of insurance in Oregon.

ADMINISTRATIVE RULES

(4) Any privilege, immunity, right or benefit granted under the Insurance Code to an individual because the individual is or was married to an individual of the opposite sex, is granted on equivalent terms, substantive and procedural, to an individual who is or was a partner in a marriage of a same-sex couple validly performed.

Stat. Auth.: ORS 731.244
Stat. Implemented: ORS 731.008, 731.016 & 731.236
Other Auth.: SCOTUS Decision in United States v. Windsor, 570 U.S. 12 (2013); Letter of Advice from Oregon Attorney General dated October 16, 2013; Geiger v. Kitzhaber, No. 6:13-cv-01834-MC (D. Or. May 19, 2014).
Hist.: ID 11-2014, f. & cert. ef. 7-17-14

Rule Caption: Establishing Procedures, Fee and Application for Pharmacy Benefit Managers' Registration and Renewal

Adm. Order No.: ID 12-2014

Filed with Sec. of State: 7-21-2014

Certified to be Effective: 7-21-14

Notice Publication Date: 5-1-2014

Rules Adopted: 836-200-0401, 836-200-0406, 836-200-0411, 836-200-0416, 836-200-0421

Subject: These rules implement new registration requirements imposed on pharmacy benefit managers in legislation passed by the 2013 Legislative Assembly. Beginning January 1, 2014, individuals or business entities that contract with pharmacies on behalf of an insurer, a third-party administrator or the Oregon Prescription Drug Program (established in ORS 414.312) to process claims, pay pharmacies or negotiate rebates for prescription drugs or medical supplies, must register annually with the Department of Consumer and Business Services. These permanent rules replace temporary rules that established the initial procedures for registration and renewal of registration necessary to allow pharmacy benefit managers to comply with the requirements of the new law.

Rules Coordinator: Victor Garcia—(503) 947-7260

836-200-0401

Statement of Purpose; Authority; Applicability

(1) OAR 836-200-0401 to 836-200-0421 are adopted under the authority of section 3, chapter 570, Oregon Laws 2013 for the purpose of implementing sections 2 and 3, chapter 570, Oregon Laws 2013.

(2) For any registration completed between January 2, 2014 and August 31, 2015 the first annual renewal of the registration shall be September 1, 2015.

Stat. Auth.: ORS 731.244, 735.532
Stats. Implemented: ORS 735.530, 735.532
Hist.: ID 12-2014, f. & cert. ef. 7-21-14

836-200-0406

Application Requirements for Pharmacy Benefit Manager

(1) Each pharmacy benefit manager conducting business in Oregon must register with the Department of Consumer and Business Services. To register as a pharmacy benefit manager, the entity must complete a Pharmacy Benefit Manager Application, Exhibit 1 of this rule.

(2) An applicant for registration as a pharmacy benefit manager shall include in the application:

- (a) The identity of the pharmacy benefit manager;
- (b) The name, business address and contact person for the pharmacy benefit manager; and
- (c) Where applicable, the FEIN number for the entity.

(3) A pharmacy benefit manager shall provide information on any material modification to the information provided by the pharmacy benefit manager in its application for registration not later than 30 days after the modification.

(4) The application for registration as a pharmacy benefit manager must include a fee of \$50. The fee under this section must be submitted with the filing.

Stat. Auth.: ORS 731.244, 735.532
Stats. Implemented: ORS 735.530, 735.532
Hist.: ID 12-2014, f. & cert. ef. 7-21-14

836-200-0411

Renewal of Pharmacy Benefit Registration

(1) All pharmacy benefit registrations expire on September 1 unless renewed on or before that date. A registrant must renew the registration by submitting a renewal application and renewal fee to the Director of the Department of Consumer and Business Services. The application to renew

a registration as a pharmacy benefit manager must include a renewal fee of \$50.

(2) A registered pharmacy benefit manager shall include with the renewal application any change in the information submitted since the registrant initially registered or last renewed the pharmacy benefit manager registration.

Stat. Auth.: ORS 731.244, 735.532
Stats. Implemented: ORS 735.530, 735.532
Hist.: ID 12-2014, f. & cert. ef. 7-21-14

836-200-0416

Registration Requirements Not Exclusive

Compliance with the filing requirements of OAR 836-200-0401 to 836-200-0421 are additional to and not in lieu of filing and other requirements established by law for the purpose of doing business in this state, including but not limited to compliance with filing requirements of the Secretary of State applicable to assumed business names and applicable to the business structure of an applicant.

Stat. Auth.: ORS 731.244, 735.532
Stats. Implemented: ORS 735.530, 735.532
Hist.: ID 12-2014, f. & cert. ef. 7-21-14

836-200-0421

Service on Registrant

The Director of the Department of Consumer and Business Services may make service on a registered pharmacy benefit manager at the address shown on the current registration of the pharmacy benefit manager on file with the director, in the manner provided in ORS 183.310 to 183.550.

Stat. Auth.: ORS 731.244, 735.532
Stats. Implemented: ORS 735.530, 735.532
Hist.: ID 12-2014, f. & cert. ef. 7-21-14

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

Adm. Order No.: ID 13-2014

Filed with Sec. of State: 7-21-2014

Certified to be Effective: 7-21-14

Notice Publication Date: 6-1-2014

Rules Amended: 836-071-0267

Subject: 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.

The amendments to these rules will take effect upon adoption.

Rules Coordinator: Victor Garcia—(503) 947-7260

836-071-0267

Incidental Charges for Customer Services; Personal, Commercial Lines

(1) This rule establishes incidental charges that an insurance producer may impose for customer services in connection with the transaction of insurance. For the purpose of this rule, personal lines insurance is property and casualty insurance coverage sold to individuals and families for primarily noncommercial purposes.

(2) An insurance producer may impose an incidental charge established in this rule on a customer only if the insurance producer has given written notice to the customer that the insurance producer may impose incidental charges authorized by this rule. The notice must disclose all incidental charges that the insurance producer may impose and the service provided for each incidental charge. The insurance producer must give the notice to a customer before providing any service for which an incidental charge may be imposed, but not later than at the time of application or the renewal before the insurance producer commences imposing the incidental charges. The written notice requirement does not apply to the binding or issuance of a policy. At the time an insurance producer charges an incidental charge under this rule, the insurance producer must clearly disclose to the customer the amount of the incidental charge and the service for which the incidental charge is imposed.

ADMINISTRATIVE RULES

(3) An insurance producer may impose an incidental charge for rewriting or reinstating a policy that was cancelled by the insurer because of an action or inaction of the customer, such as nonpayment of premium or failure to renew according to policy terms, as provided in this section. An insurance producer may not impose the incidental charge for the first rewriting or reinstatement of the policy. The incidental charges are as follows:

(a) A charge not to exceed \$25 for personal lines insurance.

(b) A charge not to exceed \$100 for commercial insurance.

(4) An insurance producer may impose an incidental charge for taking a payment of premium in cash, in an amount not to exceed \$10.

(5) An insurance producer may impose an incidental charge as authorized by ORS 30.701 for handling and collecting on a check from a customer that is returned for insufficient funds.

(6) An insurance producer may impose an incidental charge for the actual cost of providing photographic or inspection services to a customer in connection with issuing or amending insurance coverage, but the incidental charge may not exceed:

(a) \$7.50 for the services in connection with issuing or amending personal insurance coverage.

(b) \$45 for the services in connection with issuing or amending commercial insurance coverage.

(7) An insurance producer may 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 in another state.

(8) An insurance producer may impose an incidental charge not to exceed \$5 for preparing a duplicate insurance identification card at the request of a customer, when the customer requests the preparation of the card instead of waiting for the insurance identification card prepared by the insurer.

(9) An insurance producer may impose an incidental charge not to exceed \$10 for each endorsement to a personal lines insurance policy that is in addition to the first six other endorsements by the insurance producer to the policy within a six-month period.

(10) An insurance producer may impose an incidental charge not to exceed \$5 for obtaining a duplicate SR22 filing on behalf of a customer when the customer has lost or misplaced the original SR22 filing.

(11) An insurance producer may impose an incidental charge not to exceed \$5 for each certificate of commercial insurance coverage issued by the insurance producer that is in addition to the first 20 certificates requested by the customer for the commercial insurance policy during a policy period.

Stat. Auth.: ORS 731.244 and 744.077

Stats. Implemented: ORS 744.077

Hist.: ID 8-2005, f. 5-18-05, cert. ef. 8-1-05; ID 13-2014, f. & cert. ef. 7-21-14

Rule Caption: Clarifies guaranteed issue requirements for health benefit plans

Adm. Order No.: ID 14-2014

Filed with Sec. of State: 7-30-2014

Certified to be Effective: 7-30-14

Notice Publication Date: 7-1-2010

Rules Amended: 836-053-0431

Subject: The federal Affordable Care Act (ACA) and Chapter 681, Oregon Laws 2013, (Enrolled House Bill 2240) require that insurers that issue individual health benefit plans offer coverage to persons 65 or older who are not enrolled in Medicare and, outside of the Oregon Health Insurance Exchange, without regard to a person's legal status. Permanent changes to the existing rule are necessary to ensure that all persons entitled to coverage can obtain coverage. These amendments to OAR 836-053-0431 clarify that carriers that issue individual health benefit plans must offer and provide individual health benefit plan coverage to applicants who are 65 or older unless such persons are actually enrolled in Medicare; and to applicants who are applying for coverage outside of the Oregon Health Insurance Exchange without regard to the legal status of a person.

The rule also makes non substantive technical corrections and adjusts some provisions in the rule to be consistent with other temporary provisions to the same rule currently in effect.

This rule replaces changes made by amendments included in a temporary rule that expires on July 31, 2014.

Rules Coordinator: Victor Garcia—(503) 947-7260

836-053-0431

Underwriting, Enrollment and Benefit Design

(1) Except for grandfathered individual health benefit plans, a carrier must offer all of its approved 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 special and open enrollment periods identified by the director, including at a minimum the following open enrollment periods:

(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).

(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] section 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 section 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.

ADMINISTRATIVE RULES

(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 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 and except as provided in section (9) of this rule, a carrier must implement a modification of an 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; ID 14-2014, f. & cert. ef. 7-30-14

Rule Caption: Electronic Payment of Claim Proceeds

Adm. Order No.: ID 15-2014

Filed with Sec. of State: 8-15-2014

Certified to be Effective: 8-15-14

Notice Publication Date: 7-1-2014

Rules Adopted: 836-080-0200

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

Rules Coordinator: Victor Garcia—(503) 947-7260

836-080-0200

Electronic Payment of Claims

(1) An insurer may pay claim proceeds through a prepaid card, direct deposit system, automated teller machine card or debit card, or other means of electronic transfer if the claimant elects payment by one of those methods and specifies the method of electronic payment agreed upon. The consent of the recipient of claim proceeds must be obtained prior to initiating electronic payments and may be written or verbal. The insurer must provide the recipient a written confirmation when consent is obtained verbally. Proof of mailing will act as proof of providing written notice. The recipient may discontinue receiving electronic payments by notifying the insurer in writing.

(2) The recipient of claim proceeds must receive a copy of the cardholder agreement clearly outlining the terms and conditions under which a prepaid card, an automated teller machine card or debit card has been issued prior to or at the time the initial electronic payment is made.

(3) The instrument of payment must be negotiable and payable to the recipient for the full amount due, without cost to the recipient. The recipient must be able to make an initial withdrawal of the entire amount due without delay or cost to the recipient.

Stat. Auth.: ORS 731.244
Stats. Implemented: ORS 746.230
Hist.: ID 15-2014, f. & cert. ef. 8-15-14

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

Rule Caption: Adopt Hazard Communication updates to Division 4 Agriculture.

Adm. Order No.: OSHA 3-2014

Filed with Sec. of State: 8-8-2014

Certified to be Effective: 8-8-14

Notice Publication Date: 5-1-2014

Rules Amended: 437-004-0100, 437-004-0150, 437-004-0720, 437-004-0725, 437-004-0950, 437-004-1430, 437-004-1440, 437-004-1450, 437-004-1460, 437-004-1470, 437-004-1680, 437-004-9800, 437-004-9850

Subject: This rulemaking will improve safety and simplify compliance for agricultural workplaces by focusing on the rule requirements that pertain to users of hazardous chemicals (as opposed to those for manufacturers, importers, and distributors) and by incorporating the definitions and terminology from the globally harmonized system of chemical classification and labeling (GHS) into Oregon OSHA's Division 4, Agriculture, OAR 437-004-9800 Hazard Communication Standard (HCS) for agricultural employers. Revisions to the Division 4 HCS will establish a uniform flow of information about chemical hazards in all the Oregon OSHA rules.

Several related rules, including the Division 4 universal definitions, standards for flammable liquids, fire prevention, pipe labeling, and the storage of hazardous chemicals, are also being revised to simplify and clarify rule requirements and to be consistent with the GHS-modified HCS.

Please visit our website: www.orosha.org Click 'Rules/Compliance' in the left vertical column and view our proposed, adopted, and final rules.

Rules Coordinator: Sue C. Joye—(503) 947-7449

437-004-0100

Universal Definitions

(1) These definitions apply throughout Division 4, Agriculture, except that the definitions in Subdivision 4/W, adopted from 40 CFR 170, Worker Protection Standard, apply to the rules within that Subdivision.

(a) Accepted — Something is accepted if:

(A) A nationally recognized testing laboratory has inspected it and found it to conform to specified plans or to procedures of applicable codes; or

(B) It is verified by design, evaluation, or inspection by a registered professional engineer; or

(C) It is acknowledged by the authority having jurisdiction, the agency, office, or organization that is responsible for approving specific equipment, materials, installations, or procedures. (Examples of such authorities include the U.S. Department of Transportation, the U.S. Coast Guard, the Oregon Building Codes Division, and the Office of the State Fire Marshal.)

(b) Agricultural employer — means any person, corporation, association, or other legal entity who meets the definition of an employer in ORS 654.005(5) and who:

(A) Owns or operates an agricultural establishment; or

(B) Recruits and supervises employees who work for an agricultural establishment; or

(C) Is responsible for the management or condition of, or exercises direction and control over the production on, an agricultural establishment.

(c) Agricultural establishment — means a farm, ranch, nursery, greenhouse, or production facility that is a place of employment and is engaged in the activities described in Division 4/A, 437-004-0002 Scope.

(d) Approved — means acceptable for the purposes of rule compliance, under the following criteria:

ADMINISTRATIVE RULES

(A) It is accepted, or certified, or listed, or labeled or otherwise determined to be safe by a nationally recognized testing laboratory; or

(B) If an installation or equipment is of a kind which no nationally recognized testing laboratory accepts, certifies, lists, labels, or determines to be safe, it has been inspected or tested by another authority having jurisdiction and found to be in compliance with the provisions of the applicable code; or

(C) Custom-made equipment or related installations that are designed and fabricated for a certain intended use by its manufacturer. The employer must keep and make available the test data that is used as the basis of this approval, for inspection.)

(e) Boiling point — The temperature at which the liquid form of a substance changes into a vapor, at a standard atmospheric pressure. The initial boiling point of a substance is determined according to test methods specified in Appendix B to Division 2/Z, 1910.1200, Hazard Communication Standard.

(f) CAS — is the Chemical Abstracts Service Registry Number, a unique numerical identifier assigned by the Chemical Abstracts Service to every chemical described in the open scientific literature.

(g) Capacity — is the maximum load or severity of service (determined by the manufacturer or a qualified engineer) that a tool, machine, equipment, structure, or material is expected to withstand without failure, deformation, separation or fracture.

(h) Certified — is something that:

(A) Was tested and found by a nationally recognized testing laboratory to meet recognized standards or to be safe for use in a specified manner, or

(B) Is of a kind whose production is periodically inspected by a nationally recognized testing laboratory, and

(C) Shows a label, tag, or other record of certification.

(i) Combustible — A substance or material that is able or likely to catch fire and burn.

(j) Combustible liquid — The “combustible liquid” classification is no longer used in Division 4 rules because it was eliminated by the globally harmonized classification and labeling system (GHS) adopted in OSHA’s Hazard Communication Standard. Any liquid with a flash point of 199.4°F (93 degrees C.) or less is considered to be one of the four categories of flammable liquids. (See “Flammable liquids,” below.)

NOTE: The term “combustible liquid” is still used by the National Fire Protection Association (NFPA) system of classification and by the Oregon State Fire Marshal to classify liquids that will burn but do not ignite as easily as flammable liquids. The NFPA system defines some chemicals as “combustible liquids” that would be included as a category of “flammable liquid” in the OSHA/GHS classification system. (See Appendix A to Subdivision 4/H, 437-004-0720 Flammable Liquids, for a comparison of the GHS and NFPA systems of classification of flammable/combustible liquids.)

(k) Competent person — is a person who, because of training and experience, can identify existing and predictable hazards in equipment, material, conditions or practices; and, who has the knowledge and authority to take corrective steps.

(l) Explosive — something capable of causing damage to the surroundings by chemical reaction. Explosives are defined in Appendix B to 1910.1200 – Physical Hazard Criteria at B.1 EXPLOSIVES.

(m) Farming — Is the production of agricultural field crops, tree crops; horticultural specialties, greenhouse crops; and the production of livestock and animal specialties. Farming includes farm labor and management services; agricultural services and support activities (such as soil preparation; crop cultivation, protection, and harvesting;) and, the basic preparation of the crop or commodity for market. The farming production process is typically completed at the “farm gate” — that is, at the point of first sale or price determination.

NOTE: Throughout this division, the term “farming,” “agriculture,” “production agriculture,” and “agricultural operations” are synonymous.

(n) Flammable — Capable of being easily ignited, burning intensely, or having a rapid rate of flame spread. Flammable substances are defined in Appendix B to 1910.1200 — Physical Hazard Criteria at B.2 FLAMMABLE GASES, B.3 FLAMMABLE AEROSOLS, B.6 FLAMMABLE LIQUIDS, and B.7 FLAMMABLE SOLIDS.

(o) Flammable liquids — are liquids having a flash point at or below 199.4 degrees F. (93 degrees C.) As defined in the globally harmonized system of classification and labeling (GHS) adopted in OSHA’s Hazard Communication Standard, flammable liquids are divided into four categories as follows:

(A) Category 1 includes liquids that have a flashpoint below 73.4 degrees F. (23 degrees C.) and have a boiling point at or below 95 degrees F. (35 degrees C.)

(B) Category 2 includes liquids that have a flashpoint below 73.4 degrees F. (23 degrees C.) and have a boiling point above 95 degrees F. (35 degrees C.)

(C) Category 3 includes liquids that have a flashpoint in a temperature range from at or above 73.4 degrees F. (23 degrees C.) to at or below 140 degrees F. (60 degrees C.)

(D) Category 4 includes liquids that have a flashpoint in a temperature range from above 140 degrees F. (60 degrees C.) to at or below 199.4 degrees F. (93 degrees C.)

NOTE: Examples of some common flammable liquids are:
Category 1: Diethyl ether (solvent sometimes used in starting fluid).
Category 2: Gasoline (Benzene, Ethanol).
Category 3: Kerosene, Stoddard Solvent.
Category 4: Diesel fuel, Naphthalene.

(p) Flashpoint — is the minimum temperature at which a liquid gives off vapor within a test vessel in sufficient concentration to form an ignitable mixture with air near the surface of the liquid, as determined by specific testing methods. These test methods are specified in Appendix B to Division 2/Z, 1910.1200, Hazard Communication Standard.

(q) Hazardous Chemical — is any chemical which is classified, under the requirements of the Hazard Communication Standard, as a physical hazard or a health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified.

NOTE: See Division 2/Z, 1910.1200 Hazard Communication Standard, for more information.

(r) Ignition source — the origin of something that results in a fire or an explosion. Examples include open flames; smoking; cutting and welding; hot surfaces and radiant heat; frictional heat; static, electrical, and mechanical sparks; chemical and physical-chemical reactions; spontaneous ignition; and lightning.

(s) Labeled — Something is labeled if:

(A) It has an attached label, symbol, or other identifying mark of a nationally recognized testing laboratory that makes periodic inspections of the production of such equipment; or

(B) The attached information indicates compliance with nationally recognized standards or tests to determine safe use in a specified manner.

(t) Listed — is something mentioned in a list that:

(A) Is published by a nationally recognized laboratory that makes periodic inspection of the production of such equipment, and

(B) States such equipment meets nationally recognized standards or was tested and found safe for use in a specified manner.

(u) Nationally Recognized Testing Laboratory — (NRTL) is defined in 1910.7 Definition and Requirements for a Nationally Recognized Testing Laboratory and OAR 437-002-0007 Oregon Rule on Testing and Certification Program. (Examples of organizations in this category are Factory Mutual Engineering Corporation, and Underwriters’ Laboratories.)

(v) Place of employment — is every place (fixed, movable or moving) where an employee works or is intended to work. It includes every place where (either temporarily or permanently) there is any activity related to an employer’s business, including a labor camp.

NOTE: “Place of employment” does not include a place where the only employment involves nonsubject workers employed in or about a private home; or a farm where only the farm’s family members are employed.

(w) Qualified person — is a person who has a recognized degree, certification, professional standing, knowledge, training or experience; and has successfully demonstrated the ability to perform the work, or solve or resolve problems relating to the work, subject matter, or project.

(x) Reasonable means — is what a prudent person, familiar with the circumstances of the industry would do to work in a safe and healthful manner.

(y) Safeguard — is any form of safety device or equipment; personal protective equipment; guard or barricade; warning device, sign, or method; or a process prescribed or adopted for the protection of an employee.

(z) Substantial — means constructed with sufficient strength or installed to provide ample support to withstand loads to which the structure or device may be subjected.

(aa) Worker — is identical in every respect to “employee” as defined in ORS 654.005(4) including:

(A) Any individual, including a minor, whether lawfully or unlawfully employed, who engages to furnish services for a remuneration, financial or otherwise, subject to the direction and control of an employer; and

(B) Any individual who is provided with workers’ compensation coverage as a subject worker pursuant to ORS chapter 656, whether by operation of law or by election.

(bb) Workplace — See “Place of Employment,” above.

Stat. Auth.: ORS 654.025(2) & 656.726(3)

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 3-2014, f. & cert. ef. 8-8-14

ADMINISTRATIVE RULES

437-004-0150

Standards Organizations

Division 4 references various standards from the following organizations. More information is available from:

(1) (ACGIH) American Conference of Governmental Industrial Hygienists <http://www.acgih.org/> 1330 Kemper Meadow Drive Cincinnati, Ohio 45240, USA Customers/Members Phone: 513-742-2020 Fax: 513-742-3355

(2) (ANSI) American National Standards Institute <http://www.ansi.org/> ANSI Standards Store Customer Service Department 25 W 43rd St, 4th Floor New York, NY 10036 Phone: (212) 642-4980 Fax: (212) 302-1286

(3) (API) American Petroleum Institute <http://www.api.org/> 1220 L Street, NW Washington, DC 20005-4070 (202) 682-8000

(4) (ASABE) American Society of Agricultural and Biological Engineers <http://www.asabe.org/standards.aspx> 2950 Niles Rd St. Joseph, MI 49085 Toll-Free: (800) 371-2723 Fax: (269) 429-3852

(5) (ASHRAE) American Society of Heating, Refrigeration, and Air Conditioning Engineers www.ashrae.org ASHRAE Bookstore <http://www.techstreet.com/ashrae/index.html> 3916 Ranchero Dr Ann Arbor, MI 48108 Phone: (800) 699-9277 Fax: (734) 780-2046

(6) (ASME) American Society of Mechanical Engineers <http://www.asme.org/> Two Park Avenue New York, NY 10016-5990 Phone: (800) 843-2763

(7) ASTM International (Formerly American Society for Testing and Materials) <http://www.astm.org> Sales and Customer Support PO Box C700 West Conshohocken, PA 19428-2959 Phone: (877) 909-2786

(8) (AWS) American Welding Society <http://www.aws.org> AWS Bookstore/Customer Service 13301 NW 47th Ave Miami, FL 33054 Toll-free: 888-WELDING Fax: (305) 826-6195

(9) (CGA) Compressed Gas Association <http://www.cganet.com> Customer Service 14501 George Carter Way Suite 103 Chantilly VA 20151 Phone: (703) 788-2700 Fax: (703) 961-1831

(10) (CMAA) Crane Manufacturers Association of America <http://www.mhi.org/cmaa> 8720 Red Oak Blvd Suite 201 Charlotte, NC 28217 Phone: (704) 676-1190 Fax: (704) 676-1199

(11) FM Global (Formerly Factory Mutual Engineering Corporation) www.fmglobal.com Customer Service (Resource Catalog) Phone: (877) 364-6726

(12) (IAPMO) International Association of Plumbing and Mechanical Officials <http://www.iapmo.org> 4755 E Philadelphia St Ontario, CA 91761 Phone: (909) 472-4100 Fax: (909) 472-4150

(13) (NFPA) National Fire Protection Association <http://www.nfpa.org> 1 Batterymarch Park Quincy, MA 02169-7471 Customer Sales/Member Services Phone: (800) 344-3555 Fax: (800) 593-6372

(14) (NIOSH) National Institute of Occupational Safety and Health <http://www.cdc.gov/niosh/> Centers for Disease Control and Prevention Clifton Rd. Atlanta Atlanta, GA 30333 1-800-CDC-INFO (1-800-232-4636)

(15) (RMA) Rubber Manufacturers Association <http://www.rma.org/publications/1400> K Street, NW, Suite 900 Washington, DC 20005 (202) 682-4800

(16) SAE International (Formerly Society of Automotive Engineers) <http://www.sae.org> 400 Commonwealth Dr. Warrendale, PA 15096 Phone: (877) 606-7323 Fax: (724) 776-0790

(17) (UL) Underwriters Laboratories www.ul.com/ 333 Pfingsten Rd. Northbrook, IL 60062 (847) 272-8800

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 3-2014, f. & cert. ef. 8-8-14

437-004-0720

Flammable and Combustible Liquids

(1) Definitions:

(a) Approved — See Universal Definitions in 4/B, OAR 437-004-0100.

(b) Closed container — A container sealed with a lid or other device that prevents the loss of liquid or vapor at ordinary temperatures.

(c) Combustible — A substance or material that is able or likely to catch fire and burn.

(d) Combustible liquids — See definition of “Flammable liquids” below.

NOTE: When Oregon OSHA revised the Hazard Communication Standard to align with the Globally Harmonized System (GHS) of classification and labeling of chemicals, the term “combustible liquid” was eliminated. However, the term is still used by the National Fire Protection Association (NFPA) and by the Oregon State Fire

Marshal. The NFPA system classifies some chemicals as “combustible liquids” that OSHA classifies as “flammable liquids.”

(e) Explosive — something capable of causing damage to the surroundings by chemical reaction. Also, see Universal Definition in 4/B, OAR 437-004-0100.

(f) Flammable — something capable of being easily ignited, burning intensely, or having a rapid rate of flame spread. Also, see Universal Definitions in 4/B, OAR 437-004-0100.

(g) Flammable liquids — are liquids having a flash point at or below 199.4 degrees F. (93 degrees C.) As defined in the globally harmonized system of classification and labeling (GHS) adopted in OSHA’s Hazard Communication Standard, flammable liquids are divided into four categories as follows:

(A) Category 1 includes liquids that have a flashpoint below 73.4 degrees F. (23 degrees C.) and have a boiling point at or below 95 degrees F. (35 degrees C.)

(B) Category 2 includes liquids that have a flashpoint below 73.4 degrees F. (23 degrees C.) and have a boiling point above 95 degrees F. (35 degrees C.)

(C) Category 3 includes liquids that have a flashpoint in a temperature range from at or above 73.4 degrees F. (23 degrees C.) to at or below 140 degrees F. (60 degrees C.)

(D) Category 4 includes liquids that have a flashpoint in a temperature range from above 140 degrees F. (60 degrees C.) to at or below 199.4 degrees F. (93 degrees C.)

NOTES: See Appendix A to OAR 437-004-0720 Flammable Liquids for a comparison of the GHS/Hazard Communication classification system with the NFPA classification system. Examples of flammable liquids include: Category 1: Diethyl ether (solvent used in some starting fluids) Category 2: Gasoline, Benzene Category 3: Kerosene, Stoddard Solvent Category 4: Diesel fuel

(h) Portable tank — A closed container with a liquid capacity more than 60 U.S. gallons (230 liters) and not intended for fixed installation.

(i) Safety can — An approved closed container, of not more than 5 gallons (20 liters) capacity, with a spring-closing lid and spout cover, and designed so that it will safely relieve internal pressure when subjected to fire.

(2) Storage and transporting.

(a) The storage of flammable liquids in containers with a capacity of 60 gallons (230 liters) or more must be in fixed or portable tanks. Such tanks must meet the material and design requirements in NFPA 30, Flammable and Combustible Liquids Code, 1996 edition.

NOTE: Tanks meeting the requirements of a more recent edition of the NFPA 30 code will also be considered to be in compliance with this rule.

(b) Storage of flammable liquids in containers of less than 60 gallons (230 liters) capacity must be in one of the following listed in Table H-1: [Table not included. See ED. NOTE.]

(c) Store flammable liquids in a manner that will not obstruct, impede, or limit use of exits, stairways, or areas normally used for safe exit routes.

(d) Flammable liquids transported in passenger-type vehicles (cars, trucks, buses, carry-alls, crew transporters, etc.) must be in safety cans, or approved containers used for petroleum fuels. Carry these containers outside the passenger compartment, secured in a ventilated area that prevents the accumulation of flammable or explosive vapors, and that protects against rupture in a collision.

(3) Tanks and containers.

(a) Clearly mark tanks and containers as required in the Hazard Communication Standard, OAR 437-004-9800(5) Labels and other Forms of Warning. Mark fill-risers and pumps or discharge devices with the name of the product they contain.

NOTE: Division 4/L, 437-004-1440 requires employers to post signs reading, “No Smoking or Open Flame” (or “FLAMMABLE — KEEP FIRE AWAY”) in areas used for fueling, and where flammable liquids are received, dispensed, used, or stored.

(b) Protect pumps, containers, tanks, and supports for tanks used for flammable liquids against collision damage.

(c) Mount aboveground tanks on supports that are strong and stable enough to safely support the load. Provide enough clearance to permit inspection and maintenance as well as clearance from the ground.

(4) Tanks elevated for gravity discharge.

(a) The gravity discharge outlet must have an approved hose with a self-closing valve at the discharge end.

(b) The bottom opening for gravity discharge must have a shut-off valve adjacent to the tank shell that can be closed manually. Underground tanks from which fuel flows under gravity must have a manual shut-off valve between the tank and the hose.

(5) Tanks with top openings only.

(a) Tanks with all openings in the top must have a firmly attached, approved pumping device and an approved hose.

ADMINISTRATIVE RULES

(b) Do not use siphons and discharge devices requiring pressure in the container.

(c) There must be an effective anti-siphoning device in the pump discharge; tank plumbing must not permit fuel to siphon or flow from the tank when the pump is not operating, even though discharge nozzle valves or line valves are open.

(6) Dispensing and fueling.

(a) Maintain pumping devices or faucets used to dispense flammable liquids so they do not leak enough material to puddle or cause a fire hazard.

(b) Fuel tanks and pumps from which flammable liquids are dispensed must have an approved hose long enough to fill containers.

(A) Hoses must have a metal nozzle at the discharge end.

(B) Hoses must incorporate an effective electrical interconnect between the nozzle and the supply tank.

(c) Do not dispense flammable liquids into or from portable or stationary metal tanks or drums unless there is an effective electrical interconnect (bond) between the source and the receiving containers.

NOTES: The electrical interconnect may be made by assuring that the metal nozzle of the approved hose is in contact with the metal fill neck or bung of the receiving container during filling. Both portable metal and portable plastic containers should be placed on a grounded surface when filling.

(d) Shut off internal combustion engines, except diesel engines, while refueling.

(7) Handling and use of flammable liquids.

(a) Control leakage or the escape of flammable liquids and use measures to prevent accidental spills. If a spill occurs, promptly clean any soaked or contaminated areas.

NOTE: If you have a release or spill of any hazardous substance at your workplace and you expect your employees to help clean it up, other rules may apply: Division 4/Z, 437-004-9800, Hazard Communication Standard for Agricultural Employers. Division 4/H, 437-004-0950 Hazardous Waste Operations and Emergency Response.

(b) Use flammable liquids, including gasoline, only where there is no open flame or other source of ignition within 50 feet of the operation, or within the possible path of vapor travel.

NOTES: This rule does not prohibit the refueling of orchard heaters used outdoors while adjacent heaters are burning; or the field (outdoor) refueling of portable tools while other tools are in operation. Division 4/L, 437-004-1430 requires employers to forbid smoking, open flames, the use of spark-producing devices or tools, and other sources of fire or ignition in fueling areas; where fuel systems for internal combustion engines are serviced; and where flammable liquids are received, dispensed, used, or stored.

(c) Do not use flammable liquids, including gasoline, indoors as a solvent or for cleaning purposes unless there is adequate ventilation to keep the concentration of vapors in the atmosphere below 20 percent of its lower explosive limit (LEL).

NOTE: In addition to the hazards of fire and explosion, the potential health hazards from exposure to flammable liquids through skin contact or breathing the vapors should also be avoided.

(d) Keep flammable liquids, including gasoline, in closed containers when not in use.

(8) Heating devices that use flammable liquids.

NOTE: The Oregon State Mechanical Specialty Code and the Oregon Fire Code have standards for space-heating devices and associated equipment.

(a) Set heaters, when in use, on a stable, level base; or mount them as specified by the manufacturer.

(b) Heaters not suitable for use on wood floors must rest on heat insulating material of at least 1-inch concrete, or equivalent. The insulating material must extend beyond the heater 2 feet or more in all directions.

(c) Locate heaters used near combustible tarpaulins, canvas, or similar coverings at least 10 feet from the coverings and securely fasten them to prevent ignition or upsetting of the heater due to wind action on the covering or other material.

(d) Liquid-fired heaters must have a primary safety control to stop the flow of fuel in the event of flame failure.

NOTE: Barometric or gravity oil feed is not a primary safety control.

(e) Do not use heating devices without built-in means to effectively control the fuel supply and the flame in occupied buildings.

(f) Vent heating devices (that use flammable fuels inside occupied buildings) to the outside atmosphere except when:

(A) The heating device has an "approval label" issued by the American Gas Association or a nationally recognized testing laboratory indicating it is approved for use as an unvented heater in occupied buildings; or,

(B) Prior to entry, test the atmosphere inside buildings where unvented heating devices are in use to assure it is free of hazardous levels of carbon monoxide.

(g) Fuel-burning devices must have means that prevent the emission of sparks or other sources of ignition.

(9) Design, construction, and capacity of storage cabinets.

(a) Maximum capacity. Do not store more than 60 gallons of Category 1, 2, or 3 flammable liquids, or more than 120 gallons of Category 4 flammable liquids in a storage cabinet.

(b) Fire resistance. Storage cabinets must meet NFPA 30, 1996 edition standards. Label storage cabinets with "No Smoking or Open Flame."

NOTES: Storage cabinets meeting the requirements of a more recent edition of the NFPA 30 code will also be considered to be in compliance with this rule. Storage cabinets labeled "FLAMMABLE — KEEP FIRE AWAY" are also in compliance with this rule.

(10) Design and construction of inside storage rooms.

(a) Construction.

(A) Construct inside storage rooms to meet the required fire-resistive rating in NFPA 30, 1996 edition.

(B) Such construction must comply with the test specifications in Standard Methods of Fire Tests of Building Construction and Materials, NFPA 251, 1969 edition.

(C) Where there is an automatic sprinkler system, design and install the system according to accepted engineering practices.

(D) Openings to other rooms or buildings must have noncombustible, liquid-tight, raised sills or ramps at least 4 inches high, or the floor in the storage area must be at least 4 inches below the surrounding floors. A permissible alternate to the sill or ramp is an open-grated trench inside the room that drains to a safe location.

(E) Openings must have approved self-closing fire doors. The room must be liquid-tight where the walls join the floor.

(F) Where other parts of the building or other properties are exposed, protect windows as required in the Standard for Fire Doors and Windows, NFPA 80, 1968 edition, for Class E or F openings.

(G) Wood at least 1-inch nominal thickness is acceptable for shelving, racks, dunnage, scuffboards, floor overlay, and similar installations.

NOTES: The following will also be considered to be in compliance with this rule: Inside storage rooms meeting the requirements of a more recent edition of the NFPA 30 code. Construction materials meeting the specifications in a more recent edition of NFPA 251 code. Windows and openings protected as required by a more recent edition of the NFPA 80 code.

(b) Rating and capacity. Storage in inside storage rooms must comply with Table H-2, below. [Table not included. See ED. NOTE.]

NOTES: Division 4/L, 437-004-1430 Sources of Fire requires that electric lights, equipment, and wiring used where there may be flammable or explosive gases or vapors must comply with the State Electrical Specialty Code. Division 4/S, 437-004-3075 Agricultural Buildings with Special Hazards has additional electrical requirements.

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

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

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 3-2014, f. & cert. ef. 8-8-14

437-004-0725

Spray Finishing

If you use a spray booth or a spray room or do production-level spray finishing, you must follow the rules in Division 2/H, OAR 437-002-0107, Spray Finishing.

NOTE: The Spray Finishing rules do not apply to outdoor spray applications to buildings, tanks, or other similar structures; or to small, portable, spray apparatus that is not used repeatedly in the same location.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 3-2014, f. & cert. ef. 8-8-14

437-004-0950

Hazardous Waste Operations and Emergency Response (HAZWOPER)

(1) If an agricultural employer requires employees to respond to an emergency release of a hazardous chemical with a reasonable possibility for employee exposure to safety or health hazards, that response activity must be in compliance with the applicable sections of Division 2/H, 1910.120, Hazardous Waste Operations and Emergency Response.

(2) Agricultural employers whose activities include clean-up operations involving hazardous waste, including those conducted at a treatment, storage, and disposal (TSD) facility, are subject to the applicable requirements in Division 2/H, 1910.120, Hazardous Waste Operations and Emergency Response.

NOTES: There are two primary considerations for most agricultural employers to determine if the HAZWOPER rules apply to you:

(1) Do you expect your employees to respond to spills of hazardous chemicals in a way that involves a reasonable possibility of exposure to safety or health hazards? (If NO, the HAZWOPER rules do not apply.)

(2) If YES, would your employees respond only to an incidental release of a hazardous chemical; or, to an emergency release of a hazardous chemical?

(a) IF you expect your employees to respond only to an incidental release (defined as a situation where the spilled substance can be absorbed,

ADMINISTRATIVE RULES

neutralized, or otherwise controlled at the time of release by employees in the immediate area, or by maintenance personnel;) and there is no potential safety or health hazard (such as fire, explosion, or chemical exposure;) THEN, the HAZWOPER RULES DO NOT APPLY. However, you must train and equip employees who are expected to respond to incidental releases to safely handle that type of non-routine task as required by Division 4/Z, 437-004-9800, Hazard Communication Standard for Agricultural Employers.)

(b) IF you expect your employees to respond to an emergency release (defined as an occurrence that results in, or is likely to result in an uncontrolled release of a hazardous substance; or, a situation that requires a response effort by employees from outside the immediate release area, or by other designated responders such as mutual-aid groups or local fire departments;) THEN, the HAZWOPER RULES APPLY. Agricultural employers who expect their employees to respond to these types of emergencies are required to follow the sections in the HAZWOPER rules that apply to emergency releases “without regard to the location of the hazard.” (See Division 2/H, 1910.120(q) Emergency responses to hazardous substance releases.) The best source of information about any chemical in the workplace (including recommended personal protective equipment and procedures for spill-response) is often the chemical’s Safety Data Sheet (SDS.)

Stat. Auth.: ORS 654.025(2) & 656.726(4)
Stats. Implemented: ORS 654.001 - 654.295
Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 3-2014, f. & cert. ef. 8-8-14

437-004-1430

Sources of Fire

(1) Definitions. These terms are used in Subdivision 4/L Fire:

(a) Closed container — A container sealed with a lid or other device that prevents the loss of liquid or vapor at ordinary temperatures.

(b) Combustible — A substance or material that is able or likely to catch fire and burn.

(c) Explosive — something capable of causing damage to the surroundings by chemical reaction.

(d) Flammable — Something capable of being easily ignited, burning intensely or having a rapid rate of flame spread.

(e) Flammable liquids — are liquids having a flash point at or below 199.4 degrees F. (93 degrees C.) As defined in the globally harmonized system of classification and labeling (GHS) adopted in OSHA’s Hazard Communication Standard, flammable liquids are divided into four categories.

NOTE: Examples of some common flammable liquids are:
Category 1: Diethyl ether (solvent sometimes used in starting fluid).
Category 2: Gasoline (Benzene, Ethanol).
Category 3: Kerosene, Stoddard Solvent.
Category 4: Diesel fuel, Naphthalene.

NOTE: Additional information can be found in Division 4/B, 437-004-0100 Universal Definitions.

(2) Store combustible waste material, including oily rags in covered metal receptacles.

(3) If using electric lights, equipment, and wiring where there may be flammable or explosive gases, vapors, mists, dust or fibers they must comply with the State Electrical Specialty Code.

NOTE: See additional electrical requirements in Division 4/S, OAR 437-004-3075 Agricultural Buildings with Special Hazards.

(4) Locate internal combustion engines so that there is a clearance of at least 6 inches between exhausts and exhaust piping and combustible material.

(5) Do not allow smoking, open flames, the use of spark-producing devices or tools not approved for use in such areas, and other sources of ignition:

- (a) In fueling areas.
- (b) When servicing fuel systems for internal combustion engines.
- (c) When receiving or dispensing flammable liquids.
- (d) Where using flammable liquids.
- (e) Where storing flammable liquids.
- (f) Areas that may have flammable or explosive gases, vapors, mists, dust, fibers or flyings.

NOTES: Other sources of ignition include cutting and welding; grinding hot surfaces; frictional heat; static, electrical and mechanical sparks; spontaneous ignition including heat producing chemical reactions; and radiant heat. There are more detailed standards for: The use and storage of flammable liquids in 4/H, OAR 437-004-0720; The use of liquefied petroleum gas (LPG) in 4/H, OAR 437-004-0780 and 437-004-0790; The prevention of fire prevention standards for welding operations are in 4/Q, OAR 437-004-2310.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 654.025(2) & 656.726(4)
Stats. Implemented: ORS 654.001 - 654.295
Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 3-2014, f. & cert. ef. 8-8-14

437-004-1440

Required Postings

Post signs reading, “No Smoking or Open Flame,” in all areas:

- (1) For fueling;
- (2) For receiving or dispensing flammable or liquids;
- (3) For use or storage of flammable liquids; or
- (4) Where there may be flammable or explosive gases, vapors, mists, dust, fibers or flyings.

NOTE: Signs reading “FLAMMABLE — KEEP FIRE AWAY” will also be in compliance with this rule.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 3-2014, f. & cert. ef. 8-8-14

437-004-1450

Extinguishers

NOTE: The Oregon Office of State Fire Marshal and local fire authorities also have rules that apply to portable fire extinguishers.

(1) Provide the class of fire extinguishers designed for use on the class of fire potential in the work area.

NOTE: To make it easy to use the right extinguisher, the NFPA 10 Extinguisher Standard uses the following system of classification: Class A: Fires of ordinary combustible materials (such as wood, cloth, paper, rubber, and many plastics) requiring the heat-absorbing (cooling) effects of water, water solutions or the coating effects of certain dry chemicals that retard burning. Class B: Fires of flammable liquids, flammable gases, grease and similar materials where extinguishment is best done by excluding air (oxygen), inhibiting the release of combustible vapors or interrupting the combustion chain reaction. Class C: Fires of energized electrical equipment where safety to the operator requires the use of electrically nonconductive extinguishing agents. (Note: For nonenergized electrical equipment, Class A or B extinguishers may be best.) Class D: Fires of certain combustible metals, such as magnesium, titanium, zirconium, sodium, potassium, etc., requiring a heat-absorbing extinguishing medium not reactive with the burning metals.

(2) Original labels and marking on extinguishers must remain attached and legible.

(3) Mount fire extinguishers on hangers, brackets, in cabinets or on shelves. The maximum height of the top of the extinguisher above the floor is: [Table not included. See ED. NOTE.]

(4) Do not obstruct fire extinguishers. They must be in plain sight or clearly mark their location.

(5) Paths to and space in front of fire extinguishers must be clear and free from obstruction.

(6) Inspect fire extinguishers yearly or more often as needed to keep them usable and fully charged.

(7) Do not use fire extinguishers with carbon tetrachloride, chlorobromomethane or other toxic vaporizing fluids.

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

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 3-2014, f. & cert. ef. 8-8-14

437-004-1460

Fire Prevention Plan

(1) The plan must be in writing, be kept in the workplace, and be available to employees. Employers with 10 or fewer permanent, year-around workers may have a verbal plan.

(2) The fire prevention plan must include at least these parts:

(a) Procedures to control accumulations of flammable or combustible waste materials;

(b) Procedures for regular maintenance of safeguards installed on heat producing equipment to prevent accidental ignition of combustible materials;

(c) Procedures for reporting possible fire producing situations.

(3) The employer must:

(a) Inform employees of the fire hazards in their work areas; and

(b) Review with each employee, new to a job, those parts of the fire prevention plan necessary for protection.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 3-2014, f. & cert. ef. 8-8-14

437-004-1470

Employee Equipment and Training

(1) If workers are expected or required to fight fires, their level of training and the fire fighting equipment they use must be adequate for the level of fire fighting involvement expected or required by the employer.

(2) The employer must provide all needed equipment and training at no cost to employees and be in compliance with Division 2/L, OAR 437-002-0182 Oregon Rules for Fire Fighters; 1910.155 Fire Protection; and 1910.156 Fire Brigades.

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

Stats. Implemented: ORS 654.001 - 654.295

ADMINISTRATIVE RULES

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 9-2006, f. & cert. ef. 9-22-06; OSHA 3-2014, f. & cert. ef. 8-8-14

437-004-1680

Storage of Hazardous Chemicals

(1) Store hazardous chemicals:

(a) Separately, to prevent hazardous reactions. Label storage areas by category to prevent the mixing of incompatible types of chemicals. (Examples of categories include: flammable liquids, acids, bases oxidizers.)

(b) In conformance with manufacturer's instructions on the label or Safety Data Sheet (SDS) to prevent conditions that could adversely affect container integrity or product stability.

(c) Separate from food and personal items to prevent contamination.

(d) Separate from sources of ignition. In locations where flammable vapors may be present, take precautions to prevent fires by eliminating or controlling sources of ignition.

NOTES: Division 4/L, 437-004-1440, requires that signs reading "No Smoking or Open Flame" or "FLAMMABLE — KEEP FIRE AWAY" be posted in areas where flammable liquids are received, stored or dispensed. Chemical storage areas should comply with appropriate state and local fire codes. Identify chemical storage buildings with a sign in accordance with NFPA 704. Examples of ignition sources include open flames; smoking; cutting and welding activities; hot surfaces and radiant heat; frictional heat; static, electrical, and mechanical sparks; and, chemical and physical/chemical reactions.

(2) Ventilate storage areas, as needed to keep air contaminants below 25 percent of the lower explosive limit (LEL).

NOTE: Permissible exposure limits (PELs) for substances listed in 4/Z, OAR 437-004-9000, Air Contaminants, also apply.

(3) Provide natural or artificial lighting equal to 20 foot-candles for safe entry into the storage area and to permit identification of chemical containers.

(4) Storage, handling, and removal of hazardous chemical containers must not cause hazards to workers.

NOTES: Other Division 4 rules with requirements that may apply to chemical storage areas include: 4/H: OAR 437-004-0720 Flammable Liquids. 4/H: OAR 437-004-0950 Hazardous Waste Operations and Emergency Response, when employees are required to cleanup certain emergency chemical spills. 4/K: OAR 437-004-1305(5) Emergency eyewashes and shower equipment, if required for emergency decontamination. 4/L, Fire: OAR 437-004-1430 through 1470, when storing or dispensing flammable liquids. 4/N: OAR 437-004-1610 General Requirements. 4/S, Electricity: OAR 437-004-2810 through 437-004-3075.

(5) The following additional requirements apply where storing Restricted Use Pesticides:

NOTE: Restricted Use Pesticides (RUPs) are a category of pesticide products that pose a higher risk to people, animals, or the environment. They can only be purchased by and used under the supervision of a person with a pesticide license.

(a) Lock the storage area to prevent access by unauthorized persons.

(b) Provide separate sections within the storage area for each category of pesticide product. (Examples include: insecticides, herbicides, fungicides, fumigants.) Label these areas by general category.

NOTE: The goal of separation is to prevent hazards to employees caused by the mixing of incompatible chemicals and the contamination of one type of product, or storage surface with a more toxic product due to a leak or spill.

(c) Floors and shelves must be constructed of a chemically-resistant material; or coated, sealed, or provided with secondary containment that prevents the absorption of the hazardous chemicals.

(d) When the storage area contains enough chemical that a leak or spill could cause the material to leave the confines of the building, there must be sufficient containment or other means to contain any leaks or spills within the storage area.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 3-2014, f. & cert. ef. 8-8-14

437-004-9800

Hazard Communication Standard for Agricultural Employers

NOTES: The Division 4, Hazard Communication Standard for Agricultural Employers (OAR 437-004-9800), focuses on those parts of the General Industry Hazard Communication Standard (Division 2/Z, 1910.1200) that describe the employer's responsibility to establish a workplace program and to communicate information to workers about the hazards of the chemicals used in their workplace. The Division 4 standard does not include the parts of the Division 2, Hazard Communication Standard that apply only to producers, distributors, and importers of chemicals because these are not typical activities for agricultural employers. As stated in 437-004-9800(2) Scope and application, any agricultural employer who produces, imports, or distributes chemical products must follow the more detailed rules that apply to those general industry activities in Division 2/Z, 1910.1200. The requirements of this Division 4, Hazard Communication Standard, are intended to be consistent with the Hazard Communication Standard for general industry as aligned with the provisions of the United Nations Globally Harmonized System of Classification and Labeling of Chemicals (GHS).

(1) Purpose. The purpose of this Division 4 Hazard Communication Standard (HCS) is to ensure that agricultural employers provide appropriate information to their employees about the hazardous chemicals to which

they can be exposed at their workplaces. The responsibility of chemical manufacturers, importers, and distributors to provide this information is described in Division 2/Z, 1910.1200. The HCS for agricultural employers describes how this information is to be provided: through a comprehensive hazard communication program, including container labels and other forms of warning, safety data sheets and employee training.

(2) Scope and application.

(a) This standard applies to agricultural employers when a hazardous chemical is known to be present in the workplace in a way that employees may be exposed under normal conditions of use or in a foreseeable emergency.

(b) This standard also applies to agricultural employers engaged in crop- or product-related quality control- or quality assurance-type laboratory work.

NOTE: See Division 4/Z, 437-004-9860, Hazardous Chemicals in Laboratories, for rules that apply to other types of laboratory activities.

(c) Division 2/Z, 1910.1200, the Hazard Communication Standard for General Industry, including all mandatory appendices, applies to any agricultural employer who is a producer, importer, or distributor of hazardous chemicals, as those activities are defined in this standard.

(d) The following types of hazardous substances are exempted from the requirements of this standard, under the stated conditions or circumstances:

(A) Any hazardous waste defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.), when subject to regulations issued under that Act by the Environmental Protection Agency;

(B) Any hazardous substance as such term is defined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. 9601 et seq.), when the hazardous substance is the focus of remedial or removal action being conducted under CERCLA (such as a "Superfund" site) in accordance with Environmental Protection Agency regulations;

(C) Tobacco or tobacco products;

(D) Wood or wood products, including lumber if it will not be processed, where the manufacturer or importer has established that the only hazard posed to employees is the potential for combustibility;

NOTE: Wood and wood products that are treated with a hazardous chemical covered by this standard (such as chemically pressure-treated wood); and wood that will later be sawed, cut or sanded, generating dust, is covered by this standard.

(E) Articles as defined in OAR 437-004-9800(11);

(F) Food or alcoholic beverages sold, used, or prepared in a retail establishment (such as a grocery store, restaurant, or drinking place), and foods intended for personal consumption by employees while at work;

(G) Any drug, defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), when it is in solid, final form for direct administration to the patient (e.g., tablets or pills); drugs packaged by the chemical manufacturer for sale to consumers in a retail establishment (e.g., over-the-counter drugs); and drugs intended for personal consumption by employees while at work (e.g., first aid supplies);

(H) Cosmetics which are packaged for sale to consumers or intended for personal consumption by employees while in the workplace;

(I) Any consumer product or hazardous substance, defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) respectively, where the employer can show that it is used in the workplace for the purpose intended by the chemical manufacturer or importer of the product, and the use results in a duration and frequency of exposure not more than the range of exposures that could reasonably be experienced by consumers;

(J) Nuisance particulates where the chemical manufacturer or importer has established that they do not pose any physical or health hazard covered under this standard;

NOTE: Nuisance particulate is synonymous with "particulate not otherwise regulated" (PNOR.) PNOR includes all inert or nuisance dusts, whether mineral, inorganic, or organic, that are not specifically listed in Division 4/Z, OAR 437-004-9000, Oregon Rules for Air Contaminants.

(K) Ionizing and non-ionizing radiation; and,

(L) Biological hazards.

NOTES: In addition to these exempted hazardous substances, the general industry Hazard Communication Standard [at 1910.1200(b)(5)] lists additional types of hazardous chemicals whose manufacturers are not covered by the Hazard Communication labeling requirements, because the products are already regulated by other labeling regulations. (For example, labeling of consumer products is regulated by the Consumer Product Safety Commission; and labeling of pesticide products is regulated by the Environmental Protection Agency.) Nonetheless, employers must ensure that hazardous chemicals are properly identified in their workplaces, as described in 437-004-9800(5).

(3) Reserved.

(4) Written hazard communication program.

ADMINISTRATIVE RULES

(a) Employers must develop, implement, and maintain an effective written hazard communication program that is specific to their workplace. It must include the following:

(A) A list of all the hazardous chemicals in the workplace using a product identifier that allows cross-referencing to both the product label and a Safety Data Sheet. (Lists may be developed for individual work areas, but the program-required list must include all hazardous chemicals present in the workplace to which the written hazard communication program applies.)

(B) A description of their procedures or methods for meeting the requirements of this Hazard Communication Standard for Agricultural Employers including paragraphs (5) Labels and other forms of warning, (6) Safety data sheets, and (7) Employee information and training.

(C) A description of the methods for informing their employees about the hazards of nonroutine tasks and the hazards associated with chemicals contained in any unlabeled pipes in their work areas.

(b) At multi-employer workplaces, employers who use or store hazardous chemicals in a way that may expose other employer's workers must also ensure that their hazard communication program includes their methods for:

(A) Making safety data sheets available to the workers of other employers;

(B) Informing other employer(s) of any precautionary measures needed for the other employer to protect their employees during normal operating conditions and foreseeable emergencies;

(C) Informing other employer(s) about the labeling system and other forms of warning in use. This includes how the employer will notify other employer(s) about areas where pesticides will be or are being applied and areas under a Restricted Entry Interval.

(c) Upon request, the employer must make their written hazard communication program available to employees, the employee's designated representatives, and the Administrator.

NOTE: Where employees work at more than one workplace, the written hazard communication program may be kept at the primary workplace as long as the information is made available for routine reference during the employee's regular shift and is readily available in an emergency.

(5) Labels and other forms of warning.

NOTE: Chemical producers, importers, and distributors have responsibilities for labeling products that are shipped and for providing those labels to end-users.

(a) Workplace labeling. The employer must ensure that the primary (shipped) labels are legible, in English, and prominently displayed on the container in the work area. Employers with employees who communicate in languages other than English may include information in the other languages, as long as it is also in English.

(b) Except as provided in (5)(d), (5)(e), and (5)(f), the employer must ensure that each container of hazardous chemicals is labeled, tagged or marked with either:

(A) The same elements required on the shipped label:

(i) Product identifier,

(ii) Signal word,

(iii) Hazard statement(s),

(iv) Pictogram(s),

(v) Precautionary statement(s), and

(vi) Name, address, and telephone number of the chemical manufacturer, importer, or other responsible party; OR

(B) The product identifier (that allows cross-referencing with the product's safety data sheet), and

(i) Words, pictures, symbols, or a combination that provide at least general information about the hazards of the chemical;

(ii) This alternative in conjunction with the other information readily available to employees under the employer's hazard communication program, must provide employees with specific information about the hazards of the chemical and appropriate protective measures.

(c) If an employer becomes aware of new information from an updated, product label about the hazards of a chemical, or ways to protect against the hazards, affected employees must be trained on this new information before the chemical is used again in the workplace.

(d) The employer may use signs, placards, or other written materials instead of labels on individual, stationary process containers. This alternative method must identify the specific container, meet the requirements in (5)(a) and (b) and be readily accessible to the employees in their work area.

(e) Labels are not required on portable, secondary containers of hazardous chemicals that are for immediate use.

(f) Pesticide application equipment (such as spray tanks and backpack-type sprayers) do not require labeling if the pesticide handlers have access to the pesticide product label during handling activities.

(6) Safety data sheets.

(a) Employers must have a safety data sheet (SDS) for each hazardous chemical that is used or present in the workplace in a way that may expose employees under normal conditions of use or in a foreseeable emergency. This includes residual pesticides encountered by workers doing field hand-labor operations.

(b) SDSs must be readily accessible to all employees on all shifts. Where employees work at more than one workplace, the SDSs may be kept at the primary workplace.

(c) SDSs may be kept electronically if they are readily accessible to employees during their work shifts and available at all times, especially during an emergency such as a power failure.

(d) SDSs must be in English. Employers with employees who communicate in other languages may maintain copies of SDSs in other languages as well.

(e) Where complex mixtures of chemical products have similar hazards and contents (for example, the chemical ingredients are the same, but the specific composition varies from mixture to mixture), the employer may use one SDS to apply to all of these essentially similar mixtures. The product identifier of each mixture, as identified on the product label, must be cross-referenced to the SDS used.

(f) If an employer becomes aware of new information from an updated SDS about the hazards of a chemical or about ways to protect employees from the hazards, affected employees must be trained on this new information before the chemical is used again in the workplace.

(g) Safety data sheets as employee exposure records. In accordance with Division 4/A, OAR 437-004-0005, Access to Employee Medical and Exposure Records, employers must retain either the SDS or some record of the identity of the substance or agent, where it was used, and when it was used; and, make this record available upon request to employees, employee's designated representatives, and to the Administrator.

NOTE: OAR 437-004-0005 refers employers to Division 2/Z 1910.1020. For more information about this requirement, see 1910.1020(d)(1)(ii)(B).

(7) Employee information and training.

(a) Give employees effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and when a new physical or health hazard is introduced into their work area. Information and training may cover categories of hazards (examples include flammable liquids and pesticides) or specific chemicals.

(A) Chemical-specific information must always be available through labels and safety data sheets. Agricultural employees who mix, load, or apply pesticides; or otherwise handle hazardous chemicals must receive the full information and training required by this standard.

(B) If employees only handle chemicals in sealed, unopened containers, give them training to the extent necessary to protect them in the event of a spill or leak of a hazardous chemical from a sealed container.

(b) Inform employees of:

(A) The requirements of this training paragraph;

(B) Any operations in their work area where hazardous chemicals are present; and,

(C) The location and availability of the written hazard communication program, including the required list(s) of hazardous chemicals, and safety data sheets.

(c) Employee training must include at least:

(A) Methods and observations to detect the presence or release of a hazardous chemical in the work area (such as monitoring done by the employer, alarm systems, or characteristic odors;)

(B) The physical and health hazards of the chemicals in the work area;

(C) The measures employees can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment; and,

(D) The details of the hazard communication program as it relates to the employee's work activities, including an explanation of any alternative labeling or warning systems, possible exposures from non-routine tasks, and how employees can get and use the right hazard information.

(d) Agricultural employers must give all of their employees a copy of, or provide them with training that covers the information in the Oregon OSHA publication #1951 "Safe Practices When Working Around Hazardous Agricultural Chemicals."

(e) For employees doing only field hand-labor operations where their only potential exposure is to residual pesticides, employers may meet the training and information requirements of this rule by:

(A) Giving each employee a copy of or providing training that covers the information in the Oregon OSHA publication #1951, "Safe Practices When Working Around Hazardous Agricultural Chemicals"; and

ADMINISTRATIVE RULES

(B) Providing information about the location and availability of, and ensuring that employees have access to safety data sheets.

(8) Trade secrets. There are special standards about the relationship of this standard to trade secrets. If those circumstances apply, follow Division 2/Z, 1900.1200(j) and its Appendix E.

NOTE: Division 2/Z 1910.1200(i) provides guidance for emergency medical personnel who need to obtain more detailed safety and health information about products with Trade Secret-protected ingredients. Appendix E to Division 2/Z, 1910.1200, Definition of Trade Secret, sets out the criteria to be used in evaluating trade secret claims.

(9) Subpoenas, citations, penalties.

(a) The Oregon Occupational Safety and Health Division has the authority under ORS Chapter 654 to issue a subpoena or any protective orders.

(b) Agency actions under ORS Chapter 654 and this Hazard Communication Standard for Agricultural Employers are enforceable by the issuance of additional citations and penalties pursuant to 654.071(4), 654.086(1)(d), or 654.086(3). The Oregon Occupational Safety and Health Division may refer the matter to the Circuit Court in the county in which the proceedings are pending for enforcement of the subpoena.

(10) Phase-in dates for new rule requirements.

(a) By February 1, 2015, agricultural employers must train their employees about the new label elements (product identifier, signal word, hazard statements, pictograms, and precautionary statements); and, about the new, standardized, 16-section, safety data sheet (SDS) format. After this phase-in date has passed, this information must be included in the initial employee training in accordance with paragraph (7)

NOTES: Chemical producers have until June 1, 2015 to be in compliance with all the modified provisions of the Division 2/Z Hazard Communication Standard (1910.1200) including those concerning classification, labeling, and safety data sheets.

(b) By June 1, 2016, employers must, as necessary, based on any new hazards identified by chemical manufacturers on updated labels and SDSs:

(A) Update their workplace hazard communication program, as required by paragraph (4); and

(B) Update any alternative workplace labeling used under paragraph (5); and

(C) Provide additional employee training in accordance with paragraph (7).

(11) Definitions.

(a) Agricultural employer — See definition in Division 4/B, OAR 437-004-0100. Also, see “Employer” below.

(b) Article — A manufactured item other than a fluid or particle:

(A) Formed to a specific shape or design during manufacture; and

(B) With end use function(s) dependent in whole or in part on its shape or design during end use; and

(C) That under normal conditions of use does not release more than minute or trace amounts of a hazardous chemical and does not pose a physical hazard or health risk to employees.

(c) Administrator — The Administrator of the Oregon Occupational Safety and Health Division, or their designee.

(d) Biological hazard (or biohazard) — An infectious or other biological agent (bacteria, virus, fungus, etc.) presenting a risk of death, injury or illness to employees. (Biohazards are excluded from the requirements of the HCS.)

(e) Chemical — Any element, chemical compound or mixture of elements or compounds. Chemicals may be in solid, liquid, or gaseous form.

(f) Chemical name — The scientific designation of a chemical according to the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules of nomenclature, or a name that clearly identifies the chemical for the purpose of conducting a hazard classification.

(g) Classification — The process of identifying the relevant data about the hazards of a chemical; reviewing that data to determine the hazards or effects associated with the chemical; and deciding whether the chemical meets the criteria and definitions in this standard. Classification for health and physical hazards includes the determination of the degree of hazard, where appropriate, by comparing the data with the criteria for the health and physical hazard categories.

(h) Container — Any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical. Pipes or piping systems, and engines, fuel tanks, or other operating systems in a vehicle, are not considered to be containers.

(i) Crop- or product-related quality control — or quality assurance-type laboratory work — The sampling or testing of crops or agricultural products to discover defects, with the goal of improving or stabilizing pro-

duction standards. This type of laboratory work at agricultural workplaces is covered by the requirements of the HCS.

NOTE: See Division 4/Z, 437-004-9860, Hazardous Chemicals in Laboratories, for rules that apply to other types of laboratory work.

(j) Designated representative — Any individual or organization to whom an employee gives written authorization to exercise such employee’s rights. A recognized or certified collective bargaining agent is automatically a designated representative without regard to written employee authorization.

(k) Distributor — Any business, other than a chemical manufacturer or importer, that supplies hazardous chemicals to other distributors or to employers.

(l) Employee — For the purpose of this rule, any worker who may be exposed to hazardous chemicals under normal conditions of use or in a foreseeable emergency. (Also, see definition of “Worker” in Division 4/B, OAR 437-004-0100.)

(m) Employer — For the purposes of this rule, any person, corporation, association, or other legal entity, including a contractor or subcontractor, engaged in a business where employees may be exposed to chemicals. (Also, see definition of “Agricultural employer” in Division 4/B, OAR 437-004-0100.)

(n) Exposure or exposed — An occurrence when an employee is subjected, in the course of employment, to a chemical that is a physical, health, or other listed hazard, including accidental or reasonably anticipated exposure. “Subjected” in terms of health hazards includes any route of entry into the body, including inhalation, ingestion, percutaneous, and skin contact or absorption.

(o) Field hand-labor operations — Agricultural work done by hand or with hand tools, including the cultivation, weeding, planting, and harvesting of crops (including mushrooms) and the packing of produce into containers, whether done on the ground, on a moving machine, or in a temporary packing shed in the field.

(p) Flammable liquids — See definition in Division 4/B, OAR 437-004-0100.

(q) Foreseeable emergency — Any potential event that could result in an uncontrolled release of a hazardous chemical into the workplace. Examples include equipment failure, rupture of containers, or failure of control equipment.

(r) GHS — Globally Harmonized System — The United Nations’ system of classification and labeling of chemicals; an international approach to hazard communication that provides specific criteria for classification of chemical hazards and a standardized approach to label elements and safety data sheets. In 2012, OSHA revised the Hazard Communication Standard (29 CFR 1910.1200) to be consistent with the GHS.

(s) Hand-labor operations — See, Field hand-labor operations.

(t) Handler (or Pesticide Handler) — includes any person, who is employed for any type of compensation by an agricultural establishment and who:

(A) Mixes, loads, transfers, or applies pesticides;

(B) Disposes of pesticides or pesticide containers;

(C) Handles opened containers of pesticides;

(D) Acts as a flagger for equipment or aircraft applying pesticides;

(E) Cleans, adjusts, handles, or repairs the parts of mixing, loading, or application equipment that may contain pesticide residues;

(F) Assists with the application of pesticides; or

(G) Performs other activities included within the definition of Handler by the Environmental Protection Agency.

NOTE: For more information, see the pesticide Worker Protection Standard in Division 4/W, §170. The term “handler” does not include an employee who only handles sealed, unopened pesticide containers or empty pesticide containers.

(u) Hazard category — The divisions within a hazard class that compare the degree or severity of the hazard. For example, the chemical hazard classifications “oral acute toxicity” and “flammable liquid” both include four hazard categories based on specific criteria. Categories within a hazard class should not be compared with the categories of different hazard classes.

(v) Hazard class — Describes the nature and effect of a physical or health hazard, such as “flammable solid”, “carcinogen”, and “oral acute toxicity”. (Also, see “Classification”.)

(w) Hazard not otherwise classified (HNOC) — An adverse physical or health effect identified through evaluation of scientific evidence during the manufacturer’s classification process that does not meet the specified criteria for the physical and health hazard classes addressed in Division 2/Z, 1910.1200. This does not extend coverage to adverse physical and health effects for which there is a hazard class addressed in 1910.1200, but the

ADMINISTRATIVE RULES

effect either falls below the cut-off value/concentration limit of the hazard class or is under a GHS hazard category that has not been adopted by OSHA. (One example is Category 5 oral acute toxicity.)

(x) Hazard statement — A statement assigned to a hazard class and category that describes the nature of the hazards of a chemical, including, where appropriate, the degree of hazard.

(y) Hazardous chemical — Any chemical that is classified as a physical hazard or a health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified.

NOTE: Division 2/Z, 1910.1200, Appendices A and B describe the criteria producers must use for determining whether or not a chemical is a health or physical hazard for purposes of this standard.

(z) Hazard warning — The words, pictures, symbols, or combination on a label (or other appropriate form of warning) that communicate the specific physical and health hazards of the chemical(s) in the container. (See the definitions for “physical hazard” and “health hazard” to determine the hazards which must be covered by the manufacturer.)

(aa) HCS — The Hazard Communication Standard.

(bb) Health hazard — A chemical that is classified as posing one of the following hazardous effects: acute toxicity (any route of exposure); skin corrosion or irritation; serious eye damage or eye irritation; respiratory or skin sensitization; germ cell mutagenicity; carcinogenicity; reproductive toxicity; specific target organ toxicity (single or repeated exposure); or aspiration hazard.

NOTE: The criteria for determining whether a chemical is classified as a health hazard are detailed in Appendix A to 1910.1200 — Health Hazard Criteria.

(cc) Identity — See Product Identifier.

(dd) Immediate use — For the purpose of this rule, describes when a hazardous chemical will be used only within the work shift in which it is transferred, be under the control of and used only by the person who transfers it from a labeled container. Under these specific conditions, a portable, secondary container is exempted from the requirement for a workplace label. (See 437-004-9800(5)(e).)

(ee) Importer — The first business with employees within the Customs Territory of the United States that receives hazardous chemicals made in other countries for the purpose of supplying them to distributors or employers within the United States.

(ff) Label — An appropriate group of written, printed or graphic information elements concerning a hazardous chemical that is affixed to, printed on, or attached to the immediate container of a hazardous chemical, or to the outside packaging.

(gg) Label elements — The specified product identifier, pictogram(s), hazard statement(s), signal word, and precautionary statement(s) that correlate to each chemical product’s hazard class and category. Also, labels must identify and provide contact information for the product’s manufacturer or other responsible party.

(hh) Manufacturer — See Producer.

(ii) Material Safety Data Sheet (MSDS) — See, “Safety Data Sheet (SDS)”.

(jj) Mixture — A combination or a solution composed of two or more substances in which they do not react.

(kk) Nonroutine task — A work activity that occurs infrequently or that varies from what is considered a regular, standard, or normal task.

(ll) Pesticide handler — See Handler.

(mm) Pesticide, residual — See Residual pesticide.

(nn) Physical hazard — A chemical that is classified as posing one of the following hazardous effects: explosive; flammable (gases, aerosols, liquids, or solids); oxidizer (liquid, solid or gas); self-reactive; pyrophoric (liquid or solid); self-heating; organic peroxide; corrosive to metal; gas under pressure; or in contact with water emits flammable gas.

NOTE: Physical Hazard Criteria is available in Appendix B to Division 2/Z, 1910.1200.

(oo) Pictogram — A composition that includes a red bordered square set on its point, enclosing a black symbol on a white background that is intended to convey specific information about the hazard of a chemical. Eight pictograms are designated under this standard for application to specific hazard categories.

(pp) Precautionary statement — A phrase that describes recommended measures that should be taken to prevent or minimize adverse effects resulting from exposure to, or improper storage or handling of a hazardous chemical.

(qq) Producer — For the purposes of this rule, an employer with a workplace where chemicals are manufactured, processed, extracted, generated, formulated, or repackaged for use or for distribution.

NOTE: If you mix or blend chemical products for use in your own workplace, and the resulting mixture has no new chemical ingredients or new hazardous characteristics, you can use the SDSs for the component ingredients and you are not considered to be a “producer.” (An example is mixing granular fertilizers together for application

on your own property.) However, if the combined chemicals react to create a new ingredient or the combination creates a new hazard, you become a “producer” and you must follow the more detailed rule requirements in the Division 2/Z, 1910.1200, Hazard Communication Standard.

(rr) Product identifier — The unique name or number used on the label and in the SDS that provides a means by which the user can identify the hazardous chemical. (Examples include the chemical name, Chemical Abstracts Service (CAS) Registry Number, or other precise designation of the substance.) The product identifier must allow cross-referencing of the product’s label with the product’s SDS, and the list of hazardous chemicals in the employer’s written hazard communication program.

(ss) Pyrophoric gas — A chemical in a gaseous state that will ignite spontaneously in air at a temperature of 130 degrees F (54.4 degrees C) or below.

(tt) Residual pesticide — Pesticide residue that remains on crops, soil, equipment or other work surfaces, after a pesticide application is completed and any label-required restricted entry interval (REI) has expired. For the purpose of providing hazard information, a Safety Data Sheet must be available for any pesticide that has been used at the workplace within the previous 30 days.

(uu) Responsible party — As used on a Label or Safety Data Sheet, someone who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

(vv) Restricted entry interval (REI) — The time period that immediately follows a pesticide application (as specified on the product label) during which only trained and protected employees may enter into the treated area. (The treated area is the physical location where a pesticide is being or has been applied.)

(ww) Safety data sheet (SDS) — Written or printed information about a hazardous chemical that is prepared (generally by the manufacturer) in accordance with paragraph (g) of and Appendix D to Division 2/Z, 1910.1200.

(xx) Signal word — A word used to alert the reader of the product label to a potential hazard. The signal words used in this section are “DANGER” and “WARNING.” “DANGER” is used for the more severe hazards, while “WARNING” is used for the less severe. These words are chosen by the manufacturer based on the classification and categorization of the chemical’s hazards.

NOTE: The EPA has jurisdiction over manufacturers of pesticides and currently has its own system of signal words used on pesticide labels.

(yy) Simple asphyxiant — A substance or mixture that displaces oxygen in the ambient atmosphere, and can thus cause oxygen deprivation in those who are exposed, leading to unconsciousness and death.

(zz) Specific chemical identity — See “Product identifier”.

(aaa) Substance — Chemical elements and their compounds in the natural state or obtained by any production process, including any additive necessary to preserve the stability of the product and any impurities deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition.

(bbb) Trade secret — A confidential formula, pattern, process, device, information or compilation of information that is used in an employer’s business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it.

NOTE: Division 2/Z 1910.1200(i) provides guidance for emergency medical personnel who need to obtain more detailed safety and health information about products with Trade Secret-protected ingredients. Appendix E to Division 2/Z, 1910.1200 — Definition of Trade Secret, sets out the criteria to be used in evaluating trade secret claims.

(ccc) Use — To handle, apply, transfer, or generate as a by-product, any hazardous chemical covered by the requirements of this rule.

(ddd) Work area — A room or defined space in a workplace where hazardous chemicals are used, and where there are employees.

(eee) Workplace — An establishment, job site, or project, at one geographical location with one or more work areas.

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

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

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 3-2014, f. & cert. ef. 8-8-14

437-004-9850

Pipe Labeling

(1) Scope and application. This rule applies to all pipes and piping systems that contain hazardous substances, transport substances in a hazardous state, or that use asbestos as insulation material. This rule does not apply to buried pipe.

(2) Definitions:

ADMINISTRATIVE RULES

(a) Asbestos: includes chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, actinolite asbestos and any of these minerals that have been chemically treated or altered.

(b) Hazardous substances: any substance that is a physical or health hazard.

(c) Health hazard: A chemical that is classified as posing one of the following hazardous effects: acute toxicity (any route of exposure); skin corrosion or irritation; serious eye damage or eye irritation; respiratory or skin sensitization; germ cell mutagenicity; carcinogenicity; reproductive toxicity; specific target organ toxicity (single or repeated exposure); or aspiration hazard. The criteria for determining whether a chemical is classified as a health hazard are detailed in Appendix A to 1910.1200 - Health Hazard Criteria, in Division 2/Z.

(d) Physical hazard: A chemical that is classified as posing one of the following hazardous effects: explosive; flammable (gases, aerosols, liquids, or solids); oxidizer (liquid, solid or gas); self-reactive; pyrophoric (liquid or solid); self-heating; organic peroxide; corrosive to metal; gas under pressure; or in contact with water emits flammable gas. The criteria for determining whether a chemical is classified as a physical hazard are detailed in Appendix B to 1910.1200 — Physical Hazard Criteria, in Division 2/Z.

(e) Piping system: includes single or multiple pipes of any kind in addition to valves and pipe coverings.

(3) Labeling.

(a) Label pipes that contain hazardous substances or transport substances in a hazardous state according to (A), (B), (C) and (D) below or otherwise identify them according to (3)(b) below:

(A) Positive identification of the hazardous contents of pipe must be by lettered labels. The label must give the name of the contents in full or abbreviated form.

(B) The label must identify the contents with enough detail to identify the hazard.

(C) Label wording must be brief, informative and simple.

(D) Use stenciling, tape, adhesives, markers or effective alternative means for labels.

NOTE: Substances "transported in a hazardous state" typically refer to the hazards of pressure and temperature. Examples include compressed air, hot water or steam, and cryogenic liquids or gases.

(b) The employer may use an alternative warning method, instead of affixing labels to individual pipes, if that method identifies the pipe(s) to which the warning applies and conveys the hazard information required by this rule. Examples include signs, placards, process sheets, or schematics posted on walls in the work area; or other such written materials. These alternative written materials must be readily accessible to the employees in their work areas during each shift.

NOTE: See OAR 437-004-9800(5) Labels and other forms of warning for other related requirements.

(c) Label pipes or piping systems that use asbestos insulation material to include the following statements:

(A) DANGER CONTAINS ASBESTOS FIBERS
MAY CAUSE CANCER DO NOT BREATHE DUST AVOID CREATING DUST

(B) Or, otherwise identify them according to (3)(b), above.

NOTE: See OAR 437-004-9800, Hazard Communication for Agricultural Employers and OAR 437-004-9050, Asbestos, for additional requirements.

(4) Location of labeling.

(a) Place the labeling near valves or flanges; adjacent to changes in direction or branches; where pipes pass through walls, floors or ceilings; and where confusion about the contents of the piping system may occur.

(b) Labeling must be applied, at a minimum, at the beginning and end of continuous pipe runs.

(c) For asbestos insulation, labeling on unobstructed continuous pipe runs must be at least every 75 feet.

(5) Visibility.

(a) Where pipes are located above or below the normal line of vision, put the lettering below or above the horizontal centerline of the pipe, to facilitate visibility.

(b) If pipes are inaccessible, or at a distance that makes clear identification of the letters on a label difficult, use alternatives to labeling that meet all other requirements of this rule.

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

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 4-1998, f. 8-28-98, cert. ef. 10-1-98; OSHA 4-2012, f. 9-19-12, cert. ef. 1-1-13; OSHA 3-2014, f. & cert. ef. 8-8-14

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

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

Adm. Order No.: WCD 10-2014

Filed with Sec. of State: 8-15-2014

Certified to be Effective: 9-15-14

Notice Publication Date: 7-1-2014

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

Subject: Amended OAR 436-050, Employer/Insurer Coverage Responsibility:

- Establish standards for acceptable financial viability of self-insured employer groups¹, including,

— Financial ratios, an associated rating point scale, and consequences of strong, moderate, and weak ratings;

— Minimum net worth for self-insured employer groups of \$3 million and for members within private groups of \$150,000; and

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

- Increase the minimum excess insurance self-insured retention level to \$300,000 for self-insured employer groups and require the director's pre-approval of deductible endorsements;

- Require that private self-insured employer groups submit information to the director about board membership; preclude private group members and board members from designation as the entity responsible for claims processing and related activities;

- State that a qualified self-insured employer group that is exempted from security deposit requirements may be required by the director to conduct an actuarial study and to provide a copy of the study to the director;

- Require private self-insured employer groups to cancel any member that fails to meet the minimum individual net worth requirement, and to notify the director at least 10 days before the effective date;

- Specify that the required common claims fund be held by an Oregon or federally chartered bank; or, government subdivisions that are certified as a self-insured employer group may maintain the fund in a local government investment pool held by the Office of the State Treasurer; require that the full sum of the required common claims fund balance be maintained at all times;

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

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

¹ Some standards are applied differently to public versus private groups due to differences in group members' liabilities.

Rules Coordinator: Fred Bruyns—(503) 947-7717

436-050-0003

Applicability of Rules

(1) These rules are effective Sept. 15, 2014, to carry out the provisions of:

(a) ORS 656.017 — Employer required to pay compensation and perform other duties.

(b) ORS 656.029 — Independent contractor status.

(c) ORS 656.126 — Coverage while temporarily in or out of state.

(d) ORS 656.407 — Qualifications of insured employers.

(e) ORS 656.419 — Workers' compensation insurance policies.

(f) ORS 656.423 — Cancellation of coverage by employer.

(g) ORS 656.427 — Cancellation of workers' compensation insurance policy or surety bond liability by insurer.

(h) ORS 656.430 — Certification of self-insured employer.

ADMINISTRATIVE RULES

(i) ORS 656.434 — Certification effective until canceled or revoked; revocation of certificate.

(j) ORS 656.443 — Procedure upon default by employer.

(k) ORS 656.447 — Sanctions against insurer for failure to comply with orders, rules, or obligations under workers' compensation insurance policies.

(l) ORS 656.455 — Records location and inspection.

(m) ORS 656.745 — Civil penalties.

(n) ORS 656.850 and 656.855 — Worker leasing companies.

(o) ORS 731.475 — Insurer's in-state location.

(2) The director may waive procedural rules as justice requires, unless otherwise obligated by statute.

Stat. Auth: ORS 656.704 & 656.726(4)

Stats. Implemented: ORS 656.017, 656.029, 656.126, 656.407, 656.419, 656.423, 656.427, 656.430, 656.434, 656.443, 656.447, 656.455, 656.745, 656.850, 656.855 & 731.475

Hist.: WCD 3-1980(Admin), f. & ef. 4-2-80; WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 10-1982(Admin), f. 9-30-82, ef. 10-1-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; Renumbered from 436-051-0003, 1-1-86; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 25-1990, f. 11-29-90, cert. ef. 12-26-90; WCD 3-1992, f. 1-10-92, cert. ef. 2-1-92; WCD 2-1994, f. 4-1-94, cert. ef. 5-1-94; WCD 9-1996, f. 3-11-96, cert. ef. 4-1-96; WCD 1-1998, f. 1-9-98, cert. ef. 1-23-98; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 10-2003, f. 8-29-03, cert. ef. 9-15-03; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 5-2005, f. 5-26-05, cert. ef. 6-1-05; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 7-2007, f. 11-1-07, cert. ef. 11-28-07; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 4-2008, f. 9-17-08, cert. ef. 7-1-09; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13; WCD 1-2013(Temp), f. & cert. ef. 1-23-13 thru 7-21-13; WCD 5-2013, f. 7-3-13, cert. ef. 7-22-13; WCD 8-2013, f. 11-12-13, cert. ef. 1-1-14; WCD 10-2014, f. 8-15-14, cert. ef. 9-15-14

436-050-0165

Security Deposit Requirements

(1) For the purposes of this rule:

(a) "Employer" includes employer groups;

(b) "Self-insured employer" includes self-insured employer groups; and

(c) "ISLOC" means irrevocable standby letter of credit.

(2) A self-insured employer is required to provide a security deposit that is acceptable to the director, to establish proof of its financial ability, and to be qualified and certified as a self-insured employer or to be certified as a self-insured employer group. In accordance with ORS 656.407, a surety bond or an irrevocable standby letter of credit (ISLOC) may be accepted for the required security deposit if it complies with the following conditions and requirements:

(a) An ISLOC may be approved by the director as all or part of the security deposit. The director may approve the ISLOC if the issuing bank and the ISLOC meet the requirements of this rule:

(A) The ISLOC must be issued by or confirmed by an Oregon state chartered bank or a federally chartered bank from which funds will be immediately payable on demand. The bank issuing the ISLOC must, at the time of issuance, have a credit rating as set forth below:

(i) An "Aaa", "Aa", or "A" long term certificate of deposit (CD) rating in the current monthly edition of "Moody's Statistical Handbook" prepared by Moody's Investors Service Inc., New York; or

(ii) An "AAA", "AA" or "A" long term certificate of deposit (CD) rating in the current quarterly edition or monthly supplement of "Financial Institutions Ratings" prepared by Standard & Poors Corporation, New York.

(B) Federally chartered instrumentalities of the United States operating under authority of the Farm Credit Act of 1971 as amended, are acceptable without rating.

(C) An ISLOC issued by a bank that does not meet the credit rating set forth in paragraph (A) at the time of issuance will only be accepted with a confirming ISLOC issued by an Oregon state chartered bank or federally chartered bank meeting the credit criteria of paragraph (A). The confirming ISLOC must state that the confirming bank is primarily obligated to pay on demand the full amount of the ISLOC regardless of reimbursement from the bank whose ISLOC is being confirmed.

(D) The issuing bank must use the Irrevocable Standby Letter of Credit, Form 440-3640, issued by the director.

(E) The ISLOC will be automatically extended without amendment for an additional one (1) year from the expiry date, or any subsequent expiry date, unless, at least 60 days before the expiry date, the director is notified in writing by registered mail or overnight delivery, that the bank has elected not to extend the ISLOC for another period.

(F) If the issuing bank or any confirming bank is closed at the time of expiry of the ISLOC for any reason that would prevent delivery of a demand notice during its normal hours of operation, the ISLOC will be automatically extended for a period of 30 days commencing on the next day of operation.

(G) The ISLOC can be called immediately if:

(i) The self-insured employer has defaulted in payment of its workers' compensation liabilities or obligations, or in payments due to the director under ORS chapter 656;

(ii) The self-insured employer has filed for bankruptcy;

(iii) The self-insured employer has failed to renew or provide acceptable substitute security by fifteen (15) days prior to the expiry date of the ISLOC; or

(iv) The beneficiary has determined the existing security is deemed inadequate, that additional or replacement security must be provided by the self-insured employer, and that neither has been provided, notwithstanding written notice to the self-insured employer.

(H) The credit must be available by presentation of the beneficiary's draft drawn at sight on the issuing bank, payable within three business days, when accompanied by one of the statements contained in 436-050-0165(2)(a)(G) signed by the director of the Department of Consumer and Business Services, or the administrator of the Workers' Compensation Division, or their designated authorized representative.

(I) The ISLOC is not subject to any qualifications or conditions by the issuing bank or confirming bank and is each bank's individual obligation, which is in no way contingent upon reimbursement.

(J) An ISLOC must include a statement that the funds provided by the ISLOC are not construed to be an asset of the self-insured employer and a statement that if legal proceedings are initiated by any party with respect to the payment of any ISLOC, it is agreed that such proceedings must be subject to the jurisdiction of Oregon courts and Oregon law.

(K) Payment of any amount under an ISLOC must be made only by wire transfer in the name of the "Department of Consumer and Business Services In Trust For [the legal name of the certified self-insured employer]" to a department account, with the State Treasurer, at a designated bank.

(L) An ISLOC is subject to the International Standby Practices 1998 (ISP98), ICC Publication No. 590, which is hereby incorporated by reference, and a reference to this publication must be included in the text of the ISLOC. ICC Publication 590 may be obtained from the International Chamber of Commerce website: <http://iccwbo.org/policy/banking/>.

(M) All bank charges for the ISLOC are for the account of the applicant.

(N) Any amendment to the ISLOC must be approved and accepted by the director before the amendment is effective.

(O) If a bank's rating subsequent to the issuance of the ISLOC falls below the acceptable rating level as set forth in paragraph (A), the self-insured employer must, within 60 days of the publication of the lower credit rating:

(i) Replace the ISLOC with a new ISLOC issued by an Oregon state chartered bank or with a federally chartered bank with an acceptable credit rating;

(ii) Confirm the ISLOC by an Oregon state chartered bank or a federally chartered bank that has an acceptable credit rating; or

(iii) Replace the ISLOC with a policy of insurance or a surety bond of equal amount that is approved by the director, as substitute security for the ISLOC, if the policy of insurance or surety bond covers all workers' compensation liabilities and obligations that would have been covered by the ISLOC.

(P) Each self-insured employer that submits an acceptable ISLOC as its security deposit, must furnish a memorandum of understanding with the ISLOC, on the department's Form 440-3529, that affirms the self-insured employer's acceptance of all of the following requirements:

(i) An ISLOC is furnished to the director instead of a surety bond or other forms of security that may be determined to be acceptable for certification as a self-insured employer or for continuing as a certified self-insured employer;

(ii) The self-insured employer understands the ISLOC will be automatically extended without amendment for an additional one (1) year from the expiry date, or any subsequent expiry date, unless, at least 60 days before the expiry date, the director is notified in writing by the bank that the ISLOC will not be renewed;

(iii) The ISLOC may be replaced with an ISLOC or surety bond of equal amount or a policy of insurance that is accepted by the director as substitute security for the ISLOC, if the new ISLOC or surety bond or policy of insurance covers all workers' compensation liabilities and obligations that would have been covered by the ISLOC to be replaced;

(iv) The self-insured employer affirms that the ISLOC, in the amount required, is being offered with the understanding that the ISLOC can be called immediately, at the director's discretion, if the director receives notice that the ISLOC will not be renewed; if the self-insured employer

ADMINISTRATIVE RULES

fails to pay its workers' compensation liabilities, obligations, or payments due to the director under ORS chapter 656; or the self-insured employer files bankruptcy; or the self-insured employer fails to renew or provide acceptable substitute security by fifteen (15) days prior to the expiry date of the ISLOC; or the director has determined the existing security is deemed inadequate, that additional or replacement security must be provided by the self-insured employer and that neither has been provided, notwithstanding written notice to the self-insured employer; and

(v) If legal proceedings are initiated by any party with respect to payment of any ISLOC, then it is agreed that the proceedings will be subject to the jurisdiction of Oregon courts and application of Oregon law.

(b) A surety bond may be accepted by the director as a security deposit or substitute security deposit for an ISLOC, government securities, monies, or time deposits. A surety bond may be accepted as all or part of the security deposit. The director, in each particular case, will determine if the surety bond submitted is acceptable, if the issuing surety is acceptable, and if its language and format are acceptable.

(A) The surety bond must be issued by a surety company authorized to transact surety business in Oregon;

(B) Surety Bond Form 440-824 must be used for all surety bonds;

(C) Surety bonds submitted for the self-insured employer's security deposit must be continuous in form;

(D) Surety bonds may be terminated by the surety company by giving the director and the Principal written notice stating that on a date not less than thirty days after the date the notice is received by the director, such termination will be effective. Such termination in no way limits the liability of the Surety for subsequent defaults of the Principal's liability or obligations incurred under ORS chapter 656 prior to the effective date of such termination;

(E) Surety Bond Rider Form 440-1810 must be used for all department required increases or authorized decreases in the penal sum of the surety bond. The surety bond rider is not effective until it is accepted by the department;

(F) Surety bonds and all riders to the surety bonds must be executed by the surety company's attorney in fact and the attorney in fact's appointment and power of attorney must accompany all surety bonds and riders submitted. The power of attorney must authorize the attorney in fact to execute the surety bond in the amount of the penal sum of the bond;

(G) The liability of a surety company under its surety bond may only be discharged in the event that:

(i) The Principal files acceptable substitute security as the security deposit that is accepted by the director as substitute security for the surety bond to be released, covering all past, present, existing, and potential liability of the Principal under ORS chapter 656 and covering all the Surety's liability under the surety bond to be released, in an amount required by the director; and

(ii) The surety bond is released as documented in writing from the director or the administrator of the Workers' Compensation Division, or their designated authorized representative.

(iii) A policy of insurance or an ISLOC of equal amount that is acceptable by the director may be accepted as substitute security for the surety bond if the policy of insurance or ISLOC covers all workers' compensation liabilities and obligations that would have been covered by the surety bond.

(H) The surety company or its parent must have and maintain an acceptable credit rating in accordance with the following:

(i) Standard and Poors Insurer Financial Strength Rating of A or better rating, or

(ii) A.M. Best Company, Financial Strength Rating of B+ or better rating.

(I) A surety bond must be replaced by the self-insured employer with an acceptable type of security deposit within 30 days after notice from the department that the Surety has been placed in conservatorship, is seized, or declares insolvency, or the current credit rating is below the ratings required in subsection (H).

(c) Government securities, certificates of deposit, or time deposit accounts that were accepted by the director as a self-insured employer's or a self-insured employer group's required security deposit prior to January 1, 2004, may remain as the security deposit until the maturity date of those investments. At that time, the government securities, certificates of deposit, or time deposit accounts pledged to the department as security deposits must be replaced by a surety bond or ISLOC acceptable to the director. A self-insured employer that has government securities, certificates of deposit, or time deposit accounts as all or part of its security deposit must complete a "Security Agreement and Notice to Intermediary," Form 440-

4023, granting the department a security interest in and control over those financial assets.

(d) Government securities, certificates of deposit, or time deposit accounts will not be accepted as security deposits for certified self-insured employers who must increase their security deposit or for employers whose self-insurance certification was granted after January 1, 2004.

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

Stat. Auth.: ORS 656.430, 656.704 & 656.726(4)

Stats. Implemented: ORS 656.430

Hist.: WCD 8-2003(Temp), f. & cert. ef. 7-18-03 thru 1-13-04; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13; WCD 10-2014, f. 8-15-14, cert. ef. 9-15-14

436-050-0170

Excess Insurance Requirements

(1) A self-insured employer must have excess workers' compensation insurance coverage appropriate for the employer's potential liability under ORS 656.001 to 656.990 with an insurer authorized to do business in this state. Except for endorsements requiring pre-approval by the director in sections (4) and (5), the policy providing such coverage and any endorsements thereto must be filed with the director not later than 30 days after the date the coverage is effective. A self-insured public utility with assets in excess of \$500 million as reflected by the employer's audited financial statement submitted in accordance with OAR 436-050-0160 or 436-050-0175, may obtain the required excess workers' compensation insurance coverage from an eligible surplus lines insurer.

(2) The excess insurance:

(a) Must include a provision for reimbursement to the director of all expenses paid by the director on behalf of the employer under ORS 656.614 and 656.443 in the same manner as if the director were the insured employer, subject to the policy limitations or amounts and limits of liability to the insured employer; and

(b) Coverage must be continuous and remain in effect from the date of certification until the certification is revoked or canceled; and

(c) Coverage must be specific on a per occurrence basis; and

(d) Coverage may include aggregate excess insurance; and

(e) Coverage may include a deductible endorsement acceptable to the director under sections (4) and (5) of this rule.

(3) The self-insured retention level for a self-insured employer group's excess insurance policy must not be less than \$300,000.

(4) Changes in the self-insured retention level and policy limits of the excess insurance require prior approval of the director. The director may require a reduction in the self-insured retention level or an increase in the policy limits. Those items considered in determining and approving the retention and limitation levels of the excess insurance will be the employer's:

(a) Financial status;

(b) For self-insured employer groups, financial viability as determined under OAR 436-050-0260;

(c) Risk and exposure;

(d) Claim history; and

(e) The amount of the required security deposit.

(5) Endorsements addressing a per-accident deductible in excess of a self-insured employer group's retention level require prior approval of the director. In determining whether to approve a deductible endorsement, the director will consider the group's retention level, policy limits, and the items in section (4) of this rule. The director will not approve per-accident deductible endorsements in excess of the retention level that contain language allowing the excess insurer, at its discretion, to limit its obligations under section (2)(a) of this rule.

(6) A self-insured employer will be allowed a period, not to exceed 30 days, within which to comply with an order of the director to the employer to reduce the self-insured retention level or increase the policy limitation or amounts and limits of liability of the excess insurance.

(7) Excess insurance obtained under this section does not relieve any self-insured employer from full responsibility for claims processing and the payment of compensation required under ORS chapter 656 and these rules. Regardless of the types and amounts of excess coverage a self-insured employer must not transfer claims to the excess insurer(s) for processing.

(8) When an excess insurance policy is canceled by the excess insurer or the employer, a copy of such notice must be filed with the director 30 days before the effective date of cancellation.

(9) If a self-insured employer does not comply with the requirements of this section, the employer's certification as a self-insured will be revoked. The employer will be given written notice of such revocation which will be effective 30 days from receipt of the notice. If the required

ADMINISTRATIVE RULES

excess insurance is obtained within the 30 days, the revocation will be canceled and certification will remain in effect.

Stat. Auth.: ORS 656.430, 656.704 & 656.726(4)
Stats. Implemented: ORS 656.430
Hist.: WCD 3-1980(Admin), f. & ef. 4-2-80; WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0315; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13; WCD 10-2014, f. 8-15-14, cert. ef. 9-15-14

436-050-0175

Annual Reporting Requirements

(1) To determine the financial status of a self-insured employer and to evaluate the employer's continuity of operation, a self-insured employer must file annually with the director an audited financial statement or annual report with audited financial statement, including SEC Form 10K if issued, for the just completed fiscal year. A self-insured employer that is not a municipality must make the filing within 120 days of the fiscal year end and a self-insured employer that is a municipality must make the filing within 180 days of the fiscal year end. All financial statements and annual financial reports filed, as required by this section, will be retained by the director for a period of at least three years. In lieu of an audited financial statement or annual report, a self-insured employer may file a financial statement certified by the employer that the financial statement is true and accurate and presents the employer's financial condition and results of operations as of the date of the statement.

(2) Notwithstanding section (1) of this rule, the director may require an employer to submit an audited financial statement if the certified financial statement submitted is insufficient to evaluate the employer's financial status.

(3) The financial statements and reports filed by a self-insured employer group must demonstrate the group's acceptable financial viability based on criteria under OAR 436-050-0260 including, but not limited to, satisfactory financial ratios and net worth.

(4) By March 1 of each year, self-insured employer groups must file with the director:

(a) A statement certifying the amount of the group's combined net worth under OAR 436-050-0260(3)(a), as of the date of the statement; and

(b) A copy of the fidelity bond furnished to the group by the administrator or a copy of the comprehensive crime policy obtained by the group, in an amount sufficient to protect the group against the misappropriation or misuse of any moneys or securities. If the fidelity bond or policy covers more than one year, is still in effect, and a copy was provided to the director in the prior year, the group's annual filing may state that fact in lieu of providing an additional copy.

(5) By March 1 of each year, self-insured employer groups consisting of private employer members must file with the director:

(a) A statement certifying that each employer member of the group meets the individual net worth requirement under OAR 436-050-0260(3)(b), as of the employer member's most recent fiscal year end; and

(b) A list of the group's current board members and their professional affiliations.

(6) The self-insured employer must report claim loss data described in Bulletin 209 by March 1 of each year for the purposes of experience rating modification, retrospective rating calculations, and determining deposits.

(a) The report must be certified to be true and accurate by an authorized representative of the self-insured employer, and must include:

(A) A report of losses for each year in the experience rating period. The report must cover all claims incurred during the reporting period and must be valued as of January 1 of the current year. Reports must include:

(i) Contract medical expenses;

(ii) Total maximum medical reimbursement amount;

(iii) Number of claims for which the maximum medical reimbursement amount is claimed;

(iv) For claims with incurred losses of \$13,500 or less, total paid, outstanding reserves, and total incurred losses;

(v) Number of claims with incurred losses of \$13,500 or less; and

(vi) For each claim with incurred losses exceeding \$13,500, worker's name, date of injury, claim number, total paid, outstanding reserves, and total incurred losses. Claims must be listed in alphabetical order.

(B) A report of losses covering the self-insured period prior to the experience rating period. The report must list all open claims and must be valued as of January 1 of the current year. The report must include:

(i) The worker's name, listed in alphabetical order;

(ii) Date of injury;

(iii) Claim number;

(iv) Total paid;

(v) Outstanding reserves; and

(vi) Total incurred losses.

(C) Identification of claims involving catastrophes, Workers with Disabilities Program, permanent total disability or fatal benefits, third party recoveries, and claims where the total incurred has or is expected to exceed the self-insured retention of the self-insured employer's excess insurance policy.

(D) The total annual paid losses for the previous four fiscal years valued as of January 1 of the current year.

(b) Bulletin 209 provides guidelines for self-insured employers and their authorized representatives to use in submitting the required data.

(c) Each self-insured city, county, or qualified self-insured employer group that is exempted from the security deposit requirements under ORS 656.407(3) and OAR 436-050-0185 must, in addition to the above, provide the director by March 1 of each year, the procedures, methods, and criteria used in the process of determining the amount of their actuarially sound workers' compensation loss fund, including procedures for determining the amount for injuries incurred but not reported. The director may require a qualified self-insured employer group exempted from the security deposit requirements to provide an actuarial study that demonstrates its loss reserve account is actuarially sound and adequately funded under OAR 436-050-0185(2)(d).

(7) Notwithstanding sections (1) through (5) of this rule, the director may require a self-insured employer group to submit financial statements, reports, or information more frequently for reasons including, but not limited to, changes in the group's financial status or viability, private employer members' individual net worth, group membership, private employer groups' board membership, or incurred claims costs.

(8) Notwithstanding section (6) of this rule, the director may require a self-insured employer to submit claim loss data more frequently if the nature of the self-insured employer's business has changed since the last annual loss report for reasons including, but not limited to, mergers or acquisitions, changes in employment level, nature of employment, or incurred claims costs.

(9) If a self-insured employer fails to comply with the requirements of sections (1) through (8) of this rule, the director may impose any or all of the following sanctions:

(a) Require the self-insured employer to increase its deposit and premium assessments by 25%;

(b) Conduct an audit to obtain the necessary loss information at the self-insured employer's expense;

(c) Assess civil penalties of up to \$250 per day that the information is not provided beyond the deadline; or

(d) Revoke the employer's certification for self-insurance.

(10) To ensure each self-insured employer's claims are valued appropriately for use in deposit, experience rating, and retrospective rating calculations, the director will perform routine test audits. If a self-insured employer's total claims values are found to be 10 percent or more below the director's determined values, the current experience rating will be recalculated using the director's determined values and will be used in the security deposit and retrospective rating calculations. In addition, penalties may be assessed.

Stat. Auth.: ORS 656.407, 656.430, 656.704 & 656.726(4)

Stats. Implemented: ORS 656.407 & 656.430

Hist.: WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 25-1990, f. 11-29-90, cert. ef. 12-26-90; WCD 7-1991(Temp), f. 10-4-91, cert. ef. 10-7-91; WCD 3-1992, f. 1-10-92, cert. ef. 2-1-92; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 7-2007, f. 11-1-07, cert. ef. 11-28-07; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13; WCD 9-2012, f. 12-7-12, cert. ef. 1-1-13; WCD 8-2013, f. 11-12-13, cert. ef. 1-1-14; WCD 10-2014, f. 8-15-14, cert. ef. 9-15-14

436-050-0180

Determination of Amount of Self-Insured Employer's Deposit; Effective Date of Order to Increase Deposit

(1) The deposit a self-insured employer is required by ORS 656.407 to maintain with the director must be an amount not less than the greater of:

(a) \$100,000; or

(b) Future claim liability, including losses incurred but not reported (IBNR), a claims processing administrative cost, and the anticipated assessments payable to the director for the employer's next fiscal year; or

(c) The annual incurred losses for the self-insured's last fiscal year, including IBNR, a claims processing administrative cost, and anticipated assessments payable to the director for the employer's next fiscal year.

ADMINISTRATIVE RULES

(2) Notwithstanding section (1) of this rule, if the employer is applying for self-insurance, the amount of the deposit must not be less than the greater of:

(a) The anticipated assessments payable to the director for the employer's next fiscal year, plus an amount equal to 65 percent of the annual premium the employer would pay if carrier-insured using the applicable occupational base rate premium, as such rate is applied to the anticipated payroll of the employer's Oregon operations for the employer's next fiscal year; or

(b) \$300,000 plus \$30,000 additional for each \$100,000 the employer's net worth is below \$2 million; or

(c) The amount of the approved self-insured retention level for the employer's excess workers' compensation insurance.

(3) In determining the amount of deposit the director will take into consideration:

(a) The financial ability of the employer to pay compensation and other payments due;

(b) The employer's probable continuity of operation;

(c) A self-insured employer group's financial viability, as determined by the director under OAR 436-050-0260;

(d) Retention and limitation levels of the employer's excess insurance in relation to the employer's financial status;

(e) Changes in the employer's business including, but not limited to, mergers or acquisitions, changes in employment level, nature of employment, incurred claims costs, or material growth in self-insured exposure; and

(f) The balance of the Self-Insured Employer Adjustment Reserve or the Self-Insured Employer Group Adjustment Reserve.

(4) The amount of the deposit determined in sections (1) through (3) of this rule for a self-insured employer group with financial ratios equaling a "moderate" rating under OAR 436-050-0260(13)(b) will be increased by the following percentage factors:

(a) 12 total combined points = no change in calculated deposit;

(b) 11 total combined points = no change in calculated deposit;

(c) 10 total combined points = 5%;

(d) 9 total combined points = 10%;

(e) 8 total combined points = 15%;

(f) 7 total combined points = 20%.

(5) Assessments payable to the director referred to in this section include moneys and assessments due under ORS 656.506, 656.612, and 656.614.

(6) A self-insured employer will be allowed a period, not to exceed 30 days, within which to comply with an order of the director to the employer to increase the amount of its deposit.

(7) "Claims processing administrative cost" will be determined by developing a percentage rate to be applied against the employer's unpaid losses. The rate will be based on the information contained in Schedule P, Part ID of the Annual Statement for the previous calendar year as reported to the Insurance Commissioner by SAIF Corporation and the 20 private insurers who had the highest earned premium reported for the preceding calendar year. The rate will be computed annually to be effective for the subsequent fiscal year. The rate will be 105 percent of the median of ratios determined as follows for each of these insurers:

(a) "Loss expenses unpaid" for losses incurred in the latest eight years, divided by

(b) "Losses unpaid" for losses incurred in the latest eight years.

(8) "Incurred but not reported" (IBNR) will be calculated by applying a loss development factor against the employer's annual paid losses. The loss development factor will be calculated annually by the director. An IBNR may be included in the security deposit calculation when the director identifies factors including, but not limited to, a decrease in the self-insured employer's credit rating, a negative net worth, negative cash flow, high debt-to-equity ratio, or material growth in self-insured exposure.

Stat. Auth.: ORS 656.407, 656.704 & 656.726(4)

Stats. Implemented: ORS 656.407

Hist.: WCB 2-1976(Admin)(Temp), f. & ef. 4-12-76; WCB 3-1976(Admin), f. & ef. 6-15-76; WCD 3-1980(Admin), f. & ef. 4-2-80; WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0320; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13; WCD 10-2014, f. 8-15-14, cert. ef. 9-15-14

436-050-0185

Deposit Exemption for Self-Insured Cities and Counties, Qualifications, Application Procedures, Conditions and Requirements, Revocation and Requalification

(1) A self-insured city, county, or self-insured employer group that is a municipal or public corporation under ORS 297.405, may apply to be exempt from the security deposit requirements of ORS 656.407(2). Under ORS 656.407(3), the requirements to qualify for exemption are as follows:

(a) The city, county, or qualified self-insured employer group must be in compliance with ORS 656.407(2) and OAR 436-050-0180 as an independently self-insured employer or self-insured employer group for the three consecutive years immediately prior to applying for the exemption; and

(b) The city, county, or qualified self-insured employer group must have in effect a workers' compensation loss reserve account that is actuarially sound and that is adequately funded as determined by the annual audit under ORS 297.405 to 297.740 to pay all compensation to injured workers and amounts due the director under ORS chapter 656. The workers' compensation loss reserve account must also be dedicated to and expended only for payment of compensation and amounts due the director by the city or county under ORS chapter 656.

(2) A written application requesting exemption from ORS 656.407(2) must be submitted to the director no later than 45 days prior to the date the exemption is desired to become effective. The application must include the following supporting documentation for review and approval:

(a) A copy of the city's, county's, or qualified self-insured employer group's most recent annual audit as filed with the Secretary of State under ORS 297.405 to 297.740 that identifies the actuarially sound funded amount in the dedicated workers' compensation loss reserve if not previously filed as required by OAR 436-050-0175(1);

(b) A copy of the city's, county's, or qualified self-insured employer group's current fiscal year's approved budget documents for internal service funds that state the budgeted amount for the funded workers' compensation loss reserve account;

(c) A resolution or ordinance passed by the city's, county's, or qualified self-insured employer group's governing body that establishes an actuarially sound and adequately funded workers' compensation loss reserve account that dedicates the workers' compensation loss reserve account to and limits expenditures to only the payment of compensation and amounts due the director under ORS chapter 656. The resolution must also include the director's first lien and priority rights to the full amount of the workers' compensation loss reserve account required to pay the present discounted value of all present and future claims under ORS chapter 656; and

(d) A statement giving the amount of the current reserves for present and future liabilities, the amount funded in the workers' compensation loss reserve account, and the procedures, methods, and criteria used in the process of determining the amount funded in their actuarially sound workers' compensation loss fund, including procedures for determining the amount for injuries incurred but not reported.

(A) The statement must include the city's, county's, or qualified self-insured employer group's certification that the loss reserve account is actuarially sound and adequately funded if an actuarial study is not available.

(B) The director may require a qualified self-insured employer group to demonstrate its loss reserve account is actuarially sound and adequately funded based on an actuarial study requested under OAR 436-050-0175(6)(c). The actuarial study must include an IBNR estimate and a copy of the study must be provided to the director.

(3) Within 45 days of receipt of all information required by section (2) of this rule, the director will review the application and supporting documentation and notify the city, county, or qualified self-insured employer group that the request for exemption under ORS 656.407(3) is approved or denied.

(a) If denied, the notice will provide the reasons for the denial, any requirements for reconsideration, and the right to administrative review as provided by OAR 436-050-0008.

(b) If approved, the notice will include:

(A) The confirmation of the effective date of exemption;

(B) Authorization for cancellation of any surety bond or ISLOC held as security under ORS 656.407(2) and OAR 436-050-0180; and

(C) Procedures for release of any government securities or time deposits held as security under ORS 656.407(2) and OAR 436-050-0180.

(4) Probable cause to believe the workers' compensation loss reserve account is not actuarially sound includes but is not limited to:

(a) The annual audited financial statement under ORS 297.405 to 297.740 not containing a statement by the auditor that the workers' com-

ADMINISTRATIVE RULES

pensation loss reserve account is adequately funded, or containing a disclaimer regarding the auditor's qualifications or ability to determine adequacy of the loss reserve account; or

(b) For qualified self-insured employer groups required by the director to conduct an actuarial study under OAR 436-050-0175(6)(c) and section (2)(d)(B) of this rule, the actuarial study not containing a statement by the actuary that the loss reserve account is actuarially sound, or containing a disclaimer regarding the actuary's qualifications or ability to determine the adequacy of the reserves for current or future liabilities.

(5) A city, county, or qualified self-insured employer group that has been exempted from ORS 656.407(2) and desires to terminate its self-insurance certification or elects to discontinue maintaining an actuarially sound and adequately funded workers' compensation loss reserve must:

(a) Submit a written request to the director at least 60 days prior to the desired effective date the self-insured certification is requested to be terminated or 60 days prior to the effective date that the qualifying workers' compensation loss reserve account is to be discontinued;

(b) If the self-insured certification is to be terminated, the request for termination must comply with OAR 436-050-0200. Prior to the effective date of termination the city, county, or qualified self-insured employer group must provide a security deposit, as required by the director, in an amount determined under 436-050-0180 and ORS 656.443; and

(c) If the city, county, or qualified self-insured employer group desires to remain self-insured, the city, county, or qualified self-insured employer group must requalify for self-insurance certification by depositing, prior to the date the qualifying workers' compensation loss reserve account is to be discontinued, a security deposit as required by the director under ORS 656.407(2) and OAR 436-050-0180. Under ORS 656.407(3)(e) failure to deposit the required security deposit with the director prior to the date of discontinuance of the qualifying workers' compensation loss reserve account will cause the city's, county's, or qualified self-insured employer group's self-insurance certification to be automatically revoked as of that date.

Stat. Auth.: ORS 656.407, 656.704 & 656.726(4)

Stats. Implemented: ORS 656.407

Hist.: WCD 7-1991(Temp), f. 10-4-91, cert. ef. 10-7-91; WCD 3-1992, f. 1-10-92, cert. ef. 2-1-92; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13; WCD 8-2013, f. 11-12-13, cert. ef. 1-1-14; WCD 10-2014, f. 8-15-14, cert. ef. 9-15-14

436-050-0190

Using Self-Insured Employers Security Deposit/Self-Insured Employers Adjustment Reserve/Self-Insured Employer Group Adjustment Reserve

(1) In the event a self-insured employer defaults or is unable to make all payments due under ORS chapter 656, the director will, on behalf of the employer, assure continued payments in accordance with 656.407, 656.443, and 656.614 and in such a manner as to ensure minimum delay in the processing of injured workers' claims.

(2) If a self-insured employer defaults and is being serviced by one or more service companies, the director will, on behalf of the employer, designate those service companies to continue processing claims in accordance with the contracts in effect. At least 90 days prior to the time the contract expires, the service company can submit a proposal to continue processing the claims. The director will consider such proposal along with other options which may include referral of the claims for processing to an assigned claims agent selected under ORS 656.054.

(3) If a self-insured employer defaults and is self-administering, the director will, on behalf of the employer, negotiate to have the employer's claims processed or may refer the claims for processing to an assigned claims agent as secured under ORS 656.054.

(4) In the event a self-insured employer reorganizes its business, assumes additional liability, acquires new operations, buys an additional business, merges with another business, files bankruptcy, emerges from bankruptcy, or otherwise changes its operation in any manner that affects its workers' compensation claims liability, the self-insured employer must notify the director of the modification of business within 30 days of the event.

(5) In the event a self-insured employer group defaults or is unable to make all payments due under ORS Chapter 656, is decertified by the director under 656.434, or cancels its self-insurance certification, the director will, on behalf of the employer, assure continued payments in accordance with 656.407, 656.443, and 656.614 and in such a manner as to ensure minimum delay in the processing of injured workers' claims.

(6) In the event a self-insured employer group reorganizes its business, assumes additional liability, acquires new operations, buys an additional business, merges with another business, files bankruptcy, emerges

from bankruptcy, or otherwise changes its operation in any manner that affects its workers' compensation claims liability, or financial viability as determined under OAR 436-050-0260, the self-insured employer group must notify the director of the modification of business within 30 days of the event. Failure to comply with this rule may result in revocation of the self-insured employer group's certification.

(7) If a self-insured employer group defaults, cancels its self-insurance certification, or is decertified by the director under ORS 656.434, the director may designate the service company responsible for continuing to process the group's claims. The director's designation may include referral of the claims for processing to an assigned claims agent selected under 656.054.

(8) If a self-insured employer group consisting of private employer members defaults, cancels its self-insurance certification, or is decertified by the director under ORS 656.434, the director may order private employer members of the group to pay an assessment for the group's continuing claim liabilities, under 656.430(7)(a)(D)(i). Failure of the group's members to pay director-ordered assessments under this rule will subject members to civil penalties under 656.745.

Stat. Auth.: ORS 656.407, 656.704 & 656.726(4)

Stats. Implemented: ORS 656.407, 656.443 & 656.614

Hist.: WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0322; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13; WCD 10-2014, f. 8-15-14, cert. ef. 9-15-14

436-050-0200

Self-Insured Certification Cancellation; Revocation

(1) A certification to a self-insurer issued by the director remains in effect until:

(a) Revoked as provided by OAR 436-050-0150 through 436-050-0230, ORS 656.434, and 656.440; or

(b) Canceled by the employer with the approval of the director.

(2) If a self-insured employer wishes to cancel certification as a self-insured or cancel self-insurance for any legal entity included under the self-insurance certification, the employer must make written request to the director. Such a request must be submitted at least 60 days prior to the desired date of cancellation and include:

(a) What arrangements have been made to process present and future claims for which the employer is responsible;

(b) A statement of all present and future claims liabilities for all liabilities incurred during the period of self-insurance; and

(c) Any reports and moneys due the director under ORS 656.506, 656.612, and 656.614.

(3) If the employer will continue to have subject workers after the cancellation date, the employer must provide the director, prior to the desired date of cancellation, one of the following:

(a) An insurer filed proof of coverage for a workers' compensation insurance policy under ORS 656.017 and 656.419;

(b) Evidence of a worker leasing arrangement as allowed under ORS 656.850; or

(c) An assigned risk binder that demonstrates compliance with ORS 656.052.

(4) If the self-insured employer fails to provide the director evidence of subsequent coverage under section (3) prior to the desired date of cancellation, the self-insurance certification, including reports and moneys due the director under ORS 656.506, 656.612, and 656.614, will remain in effect.

(5) If a workers' compensation insurance policy is in effect and an active self insurance certification is on file with the director for the same employer for the same time period, the self-insured employer has the responsibility of processing claims occurring during the time period as provided under the self insurance certification.

(6) The certification of a self-insured employer may be revoked if:

(a) The employer fails to comply with ORS 656.407 or 656.430 and applicable rules;

(b) The employer defaults, under ORS 656.443; or

(c) The employer commits any violation for which a civil penalty could be assessed under ORS 656.745.

(7) Except as provided in OAR 436-050-0170 (9), notice of certificate revocation will be issued in accordance with the provisions of ORS 656.440.

Stat. Auth.: ORS 656.704 & 656.726(4)

Stats. Implemented: ORS 656.434 & 656.440

Hist.: WCD 3-1980(Admin), f. & ef. 4-2-80; WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0325; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86;

ADMINISTRATIVE RULES

WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 7-2007, f. 11-1-07, cert. ef. 11-28-07; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 4-2008, f. 9-17-08, cert. ef. 7-1-09; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13; WCD 10-2014, f. 8-15-14, cert. ef. 9-15-14

436-050-0260

Qualifications of a Self-Insured Employer Group

Five or more employers may qualify as a self-insured employer group if the employers as a group:

(1) Incorporate or are a cooperative under ORS Chapter 60, 62, or 65. If the group is a governmental subdivision, it must have formed a governmental entity as provided under ORS 190.003 to 190.110;

(2) Designate:

(a) A board of trustees; and

(b) An administrator, subject to section (10) of this rule;

(3) Demonstrate and maintain:

(a) A combined net worth of at least \$3 million; and

(b) For private employer groups, individual member net worth of at least \$150,000. Private employer groups must obtain annual financial data from all members regarding their individual fiscal year end net worth;

(4) Have excess insurance coverage of the type and amounts approved by the director, including a self-insured retention of at least \$300,000;

(5) Demonstrate that accident prevention is likely to improve through self-insurance;

(6) Engage an adequate staff under OAR 436-055-0070 qualified to process claims;

(7) Develop a method approved by the director to notify the director of:

(a) The commencement or termination of membership by employers in the group, and the effect on the remaining combined net worth of the employers in the group; and

(b) Whether an employer who terminates membership in the group continues to be a subject employer; and if the employer remains a subject employer what arrangements have been made to continue coverage;

(8) Establish a safety and health loss prevention program as required by OAR 437-001;

(9) Create a common claims fund approved by the director;

(10) Designate an entity for the group responsible for centralized claims processing, payroll records, safety requirements, recording and submitting assessments and contributions and making such other reports as the director may require. For groups consisting of private employer members, the designated entity may not be a member of the group or the group's board, or a trustee for the group. With the approval of the director, a self-insured employer group may use service companies as authorized by ORS 656.455 instead of establishing its own place of business in this state. To obtain approval or to change or add service locations, the employer group must file with the director a copy of the agreement entered into between the employer group and each company, and must give the director notice of the location, mailing address, telephone number, and any other contact information of each service company;

(11) Establish proof of financial ability by:

(a) Providing a security deposit that the director determines is acceptable under OAR 436-050-0165 and in an amount determined under OAR 436-050-0180; and

(b) Demonstrating financial viability based on factors including, but not limited to:

(A) The group meeting the combined net worth requirements in section (3)(a) of this rule;

(B) For private employers that are members of a self-insured group, meeting the individual net worth requirements in section (3)(b) of this rule; and

(C) Demonstrating acceptable financial strength based on the total combined points for the group's financial ratios, in section (12) of this rule.

(12) Self-insured employer groups must demonstrate and maintain acceptable financial strength in the following three financial ratios. "Acceptable financial strength" means the group has total combined points for the three ratios equaling "strong" or "moderate" ratings, under section (13) of this rule.

(a) The current ratio equals current assets divided by current liabilities.

(A) For purposes of calculating this ratio:

(i) Current assets identified in the financial statements and reports provided annually to the director under OAR 436-050-0175(1) through (3) must reasonably be expected to be converted into cash, or could become the equivalent of cash, within one year in the normal course of business.

Examples of such assets include readily available cash, investments, marketable securities, and bonds where maturity occurs within one year and their value upon conversion to cash is not reduced by penalties or fees, accounts receivable, inventory, and prepaid expenses. Current assets must not include fixed assets, accumulated depreciation, intangible assets, or investments, marketable securities, or bonds with maturity dates of one year or longer.

(ii) The face value of a self-insured group's irrevocable standby letter of credit (ISLOC) used to satisfy the director's requirement for a security deposit must not be included in the self-insured group's reported assets, since funds provided by an ISLOC are not construed to be an asset of the group under OAR 436-050-0165(2)(a)(J) and the required language in the ISLOC, Form 440-3640.

(iii) Current liabilities identified in the financial statements and reports provided annually to the director under OAR 436-050-0175(1) through (3) are obligations expected to be due within the next year. Examples of such liabilities include accounts payable, notes payable, accrued taxes, and wages and salaries owed to workers. Current liabilities must not include debts or claims on assets that will be due a year or more in the future or longer-term liabilities intended to provide more permanent funds for the business, including bank loans and long-term bonds.

(B) A maximum of six points are possible for this ratio, with a 2:1 ratio the desired standard. Points for the current ratio are determined as follows:

Ratio — Points: At least 2:1 = 6 points. At least 1.75:1 = 5 points. At least 1.6:1 = 4 points. At least 1.4:1 = 3 points. At least 1.25:1 = 2 points. At least 1.1:1 = 1 point. At least 1:1 = 0 points.

(b) The liquidity ratio equals cash divided by current liabilities.

(A) For purposes of calculating this ratio:

(i) Cash identified in the financial statements and reports provided annually to the director under OAR 436-050-0175(1) through (3) must include all readily available funds such as bills, coin, or checking account balances. Cash funds exclude those held in special deposit or escrow accounts where some degree of legal constraint against their use exists.

(ii) Current liabilities identified in the financial statements and reports provided annually to the director under OAR 436-050-0175(1) through (3) are obligations expected to be due within the next year. Examples of such liabilities include accounts payable, notes payable, accrued taxes, and wages and salaries owed to workers. Current liabilities must not include debts or claims on assets that will be due a year or more in the future or longer-term liabilities intended to provide more permanent funds for the business, including bank loans and long-term bonds.

(B) A maximum of six points are possible for this ratio, with 40% the desired standard. Points for the liquidity ratio are determined as follows:

Ratio — Points: At least 50% = 6 points. At least 40% = 5 points. At least 30% = 4 points. At least 25% = 3 points. At least 20% = 2 points. At least 10% = 1 point. At least 5% = 0 points.

(c) The premium to surplus ratio equals earned contributions divided by the group's adjusted net worth.

(A) For purposes of calculating this ratio:

(i) Earned contributions identified in the financial statements and reports provided annually to the director under OAR 436-050-0175(1) through (3) are the net revenues from group members' contributions. Financial statements and reports may otherwise refer to this component as net premium, member contributions, or operating revenue. At the director's discretion, excess insurance premiums may be deducted from earned contributions when there is a reasonable likelihood of performance by the excess insurance carrier.

(ii) Adjusted net worth is the net worth identified in the certified statement provided annually to the director under OAR 436-050-0175(4)(a) less disallowed assets, which are prepaid expenses, inventory, and accounts receivable over 90 days old. Financial statements and reports may otherwise refer to net worth as net position, net assets, surplus, owner's equity, or shareholders' equity. The adjusted net worth is the total assets minus the sum of the total liabilities and the disallowed assets.

(B) A maximum of six points are possible for this ratio, with up to 1.00 the desired standard. Points for the premium to surplus ratio are determined as follows:

Ratio — Points: 0.00 – 0.99 = 6 points. 1.00 – 1.49 = 5 points. 1.50 – 1.99 = 4 points. 2.00 – 2.24 = 3 points. 2.25 – 2.49 = 2 points. 2.50 – 2.74 = 1 point. 2.75 and over = 0 points.

(13) The sum of the three ratios equals a maximum of 18 points. That sum determines the rating for a self-insured employer group's financial strength and the potential consequences, as follows:

(a) 13 to 18 points: strong. Based on meeting all requirements of this rule, the director will approve initial or continued self-insured group certi-

ADMINISTRATIVE RULES

fication. The group's security deposit amount will be determined based on OAR 436-050-0180 (1) through (3).

(b) 7 to 12 points: moderate. Based on meeting all requirements of this rule, the director will approve initial or continued self-insured group certification. The director will increase the security deposit amount calculated in OAR 436-050-0180 (1) through (3) by the percentage factor indicated for the sum of the group's ratio points, under section (4) of that rule.

(c) 0 to 6 points: weak. The director will not approve the application for initial self-insured employer group certification. For an existing certified self-insured employer group, the director may:

(A) Provide the group notice of the director's intent to revoke its self-insurance certification under OAR 436-050-0340(1); or

(B) Increase the security deposit calculated in OAR 436-050-0180 by an amount based on factors including, but not limited to:

(i) The considerations identified in OAR 436-050-0180(3); or

(ii) The determination that a financial correction plan submitted by the group demonstrates the ability to improve its financial viability sufficient to achieve the moderate financial rating in subsection (b) of this rule in a reasonable time period and without hampering the group's ability to pay compensation and other amounts due under ORS chapter 656.

(14) Comply with the requirements of OAR 436-050-0165, 436-050-0170, 436-050-0175, 436-050-0180, 436-050-195, 436-050-0200, 436-050-0205, 436-050-0210 and 436-050-0220. Failure to comply with these requirements will result in the actions prescribed in those rules.

(15) Every self-insured employer group must maintain at least one place of business in this state where the employer processes claims, keeps written records of claims and other records as required by OAR 436-050-0210 to 436-050-0220.

(16) Failure of a private employer that is a member of a self-insured employer group to maintain individual net worth of at least \$150,000 will result in cancellation of that member's participation in the group, under OAR 436-050-0290.

(17) Failure of a certified self-insured employer group to maintain the qualifications required in this rule will result in revocation of the self-insured employer group's certification. The group will be given 30 days written notice of the intent to revoke the self-insured certification, to be effective 30 days from the date of receipt of the revocation notice. If the self-insured employer group complies with the qualification requirements within the 30-day period, the revocation will be canceled and the certification will remain in effect.

Stat. Auth.: ORS 656.407, 656.430, 656.704 & 656.726(4)

Stats. Implemented: ORS 656.407 & 656.430

Hist.: WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0405; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 25-1990, f. 11-29-90, cert. ef. 12-26-90; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13; WCD 10-2014, f. 8-15-14, cert. ef. 9-15-14

436-050-0270

Applying for Certification as a Self-Insured Employer Group: Private Employers

(1) Employers applying for certification as a self-insured employer group must submit:

(a) A complete "Application to Become a Self-Insured Employer Group: Private Employers" (Form 440-1867);

(b) Proof in the form of a certificate from the Secretary of State's Corporation Division showing the employer group as a corporation or cooperative;

(c) A copy of the bylaws or corporate minutes which include:

(A) Designation of specific individuals as trustees for the corporation or cooperative;

(B) Naming an administrator to administer the financial affairs of the group who may not be a member of the group or the group's board, or a trustee for the group; and

(C) The criteria utilized by the trustees and administrator when approving applications for new membership and requests for withdrawal by members of the group;

(d) A copy of the fidelity bond furnished to the group by the administrator or a copy of the comprehensive crime policy obtained by the group, in an amount sufficient to protect the group against the misappropriation or misuse of any moneys or securities;

(e) A current financial statement of each member making application which shows individual net worth of at least \$150,000 and taken collectively shows the following:

(A) A combined net worth of all members making application for coverage of at least \$3 million; and

(B) Working capital in an amount establishing financial strength, liquidity, and viability of the business, based on OAR 436-050-0260;

(f) An individual report by employer showing the employer's payroll by class and description and loss information for the last four calendar years;

(g) A completed "Group Self-Insured Indemnity Agreement" (Form 440-1866), or another form authorized by the director, that jointly and severally binds each member for the payment of any compensation and moneys due to the director by the group or any member of the group. Government subdivisions do not need to submit this agreement;

(h) Evidence of a safety and health loss prevention program designed to demonstrate that accident prevention will improve due to self-insurance;

(i) Proof of an adequate staff qualified to process claims by:

(A) Employing and retaining at each claims processing location, at least one person that is actually involved in the claims processing function and is qualified in accordance with OAR 436-055-0070; or

(B) Contracting the services of one or more service companies that employ, at each claims processing location, at least one person that is qualified in accordance with OAR 436-055-0070 and is actually involved in the self-insured employer's claims processing. If one or more service companies are used, a service agreement between the employer group and each service company, that meets the requirements of 436-050-0260(10), must be submitted for approval of the director;

(j) The type, retention and limitation levels of excess insurance the employers as a group are planning to obtain in accordance with OAR 436-050-0170;

(k) A procedure for notifying the director of:

(A) The commencement or termination of employers within the group and the effect on the remaining combined net worth of the group; and

(B) Arrangements made by an employer leaving the group to continue insurance coverage.

(l) A program whereby each employer within the group contributes to a common claims fund in accordance with OAR 436-050-0300; and

(m) The type of security deposit the employer group wishes to provide, with appropriate justification.

(2) Notwithstanding subsection (1)(e) of this rule, the director may require an audited financial statement before considering an application by a group for self-insurance.

(3) Within 60 days of receipt of all information required in section (1) of this rule, the director will review the application and notify the employer group that the request for certification as a self-insured employer group is denied and the reason therefore; or, that the group is qualified as a self-insured employer group. The notice must include:

(a) The amount of security deposit required;

(b) Approval of the type, retention and limitation levels of the excess insurance as determined under OAR 436-050-0170; and

(c) The type, retention and limitation levels of excess insurance required.

(4) The certification of self-insurance will be issued upon receipt of the security deposit and the appropriate excess insurance binder.

(5) Unless a later date is specified by the applicant, the effective date of certification will be the first day of the month following the date the requirements of section (4) of this rule are met.

Stat. Auth.: ORS 656.407, 656.430, 656.704 & 656.726(4)

Stats. Implemented: ORS 656.407 & 656.430

Hist.: WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0410; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 25-1990, f. 11-29-90, cert. ef. 12-26-90; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13; WCD 10-2014, f. 8-15-14, cert. ef. 9-15-14

436-050-0280

Applying for Certification as a Self-Insured Employer Group: Governmental Subdivisions

(1) Governmental subdivisions applying for certification as a self-insured employer group must submit:

(a) An application for the group applying for self-insurance in a form and format prescribed by the director;

(b) Proof that the governmental subdivisions have formed an intergovernmental entity as provided under ORS 190.003 to 190.110;

(c) An intergovernmental agreement which includes:

(A) Designation of specific individuals as trustees for the group and naming an administrator to administer the financial affairs of the group; and

(B) The criteria to be used by the trustees and administrator when approving applications for new membership and requests for withdrawal by members of the group;

ADMINISTRATIVE RULES

(d) A copy of the fidelity bond furnished to the group by the administrator or a copy of the comprehensive crime policy obtained by the group, in an amount sufficient to protect the group against the misappropriation or misuse of any moneys or securities;

(e) A current financial statement of each member making application which taken collectively shows the combined net worth of all members making application for coverage must not be less than \$3 million;

(f) An individual report by employer showing the governmental subdivision's payroll by class and description and loss information for the last four calendar years;

(g) A resolution by the governing body of each governmental subdivision binding it to be liable for the payment of any compensation and other amounts due to the director under ORS Chapter 656 incurred by that governmental subdivision during the period of group self-insurance;

(h) Evidence of a safety and health loss prevention program designed to demonstrate that accident prevention will improve due to self-insurance;

(i) Proof of an adequate staff qualified to process claims by:

(A) Employing and retaining at each claims processing location, at least one person that is actually involved in the claims processing function and is qualified in accordance with OAR 436-055-0070; or

(B) Contracting the services of one or more service companies that employ, at each claims processing location, at least one person that is actually involved in the self-insured group's claims processing, that is certified in accordance with OAR 436-055-0070. If service companies are used, a service agreement between the group and each service company, that meets the requirements of OAR 436-050-0260(10), must be submitted;

(j) The type, retention and limitation levels of excess insurance the employers as a group are planning to obtain in accordance with OAR 436-050-0170;

(k) A procedure for notifying the director of:

(A) The commencement or termination of governmental subdivisions within the group and the effect on the remaining combined net worth of the group; and

(B) Arrangements made by a governmental subdivision leaving the group to continue insurance coverage;

(l) A program whereby each employer within the group contributes to a common claims fund in accordance with OAR 436-050-0300; and

(m) The type and amount of security deposit the group wishes to provide, with appropriate justification. In no case will the amount be less than \$300,000.

(2) Notwithstanding subsection (l)(e) of this rule, the director may require an audited or certified financial statement before considering an application by a group for self-insurance.

(3) Within 60 days of receipt of all information required in section (1) of this rule, the director will review the application and notify the group that the request for certification as a self-insured employer group is denied and the reason therefore; or, that the group is qualified as a self-insured employer group. The notice must include:

(a) The amount of the security deposit required; and

(b) Approval of the type, retention and limitation levels of the excess insurance as determined under OAR 436-050-0170; and the type, retention and limitation levels of excess insurance required.

(4) The certification of self-insurance will be issued upon receipt of the security deposit, the appropriate excess insurance binder and if applicable, a service agreement between the employer and service company that has been signed by both parties.

(5) Unless a subsequent date is specified by the applicant, the effective date of certification will be the date the certification is issued.

Stat. Auth.: ORS 656.407, 656.430, 656.704 & 656.726(4)

Stats. Implemented: ORS 656.430 & 656.407

Hist.: WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 25-1990, f. 11-29-90, cert. ef. 12-26-90; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 12-2003, f. 12-4-03, cert. ef. 1-1-04; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13; WCD 10-2014, f. 8-15-14, cert. ef. 9-15-14

436-050-0290

Commencement/Termination of Employers with a Self-Insured Employer Group; Effect on Net Worth; Extension of Coverage; Change in Entity; Change of Address; Recordkeeping

(1) Prospective new members of a self-insured employer group must submit an application to the board of trustees, or its administrator. The administrator of a group consisting of private employer members may not be a member of the group. The trustees, or administrator, may approve the application for membership under the bylaws of the self-insured group. Once approved, the administrator or board of trustees must submit to the director, within 30 days of the effective date of membership, a completed

"Endorsement to Self-Insured Group Application" (440-1869) or a form approved by the director, which must be accompanied by:

(a) A current financial statement of the employer applying;

(b) Evidence of at least \$150,000 individual net worth if the prospective new member is a private employer;

(c) An agreement signed by the administrator of the self-insured group and the employer, making the employer jointly and severally liable for the payment of any compensation and moneys due to the director by the group or any member of the group; or, if a governmental subdivision self-insured group, a resolution by the governing body of each governmental subdivision binding it to be liable for the payment of any compensation and other amounts due to the director under ORS Chapter 656 incurred by that governmental subdivision during the period of group self-insurance;

(d) A statement showing the effect on the new combined net worth of the group; and

(e) The employer's payroll by class and description and loss information for the last four fiscal or calendar years.

(2) Incomplete submissions or incorrectly completed endorsements to add new members received by the director will not be considered filed. Failure to file a correct and complete endorsement with the required supporting documentation within 30 days of the effective date of membership may result in the assessment of civil penalties.

(3) Individual members may elect to terminate their participation in a self-insured group or be subject to cancellation by the group under the bylaws of the group. Groups consisting of private employer members must also cancel the membership of any private employer member that fails to maintain the minimum individual net worth required, under OAR 436-050-0260 (16). Such cancellation must occur within 30 days of the group's receipt of the employer member's most recent fiscal year end financial data demonstrating insufficient net worth. The self-insured group must submit the following information to the director no later than 10 days before the effective date of the member's termination or cancellation:

(a) A statement, without disclaimers or qualifying language as to the accuracy of the information provided:

(A) Showing the effect of the member's termination or cancellation on the remaining combined net worth of the group; and

(B) Certifying that the group continues to meet the combined net worth requirements in OAR 436-050-0260;

(b) Evidence that the employer requesting termination or being cancelled has made alternate arrangements for coverage if the employer continues to employ;

(c) Evidence that the employer requesting termination or being cancelled has been provided a written reminder about its potential future liability as described in section (1)(c) of this rule; and

(d) The expected date of cancellation or termination.

(4) In the event the director determines the cancellation or termination of a group member adversely affects the net worth of the group to the extent that the group no longer qualifies for self-insurance certification, the director may revoke the self-insured employer group's certification under OAR 436-050-0340(3).

(5) An employer within a group must, if there is a change in the employing legal entity, again apply for membership within the group, in accordance with this rule. A change in legal entity includes, but is not limited to:

(a) When a partner joins or leaves the partnership;

(b) When the employer is a sole proprietorship, partnership, or corporation, and changes to a sole proprietorship, partnership, or corporation; or

(c) When an employer sells an existing business to another person(s), except in the case of a corporation.

(6) An employer within a group must, within 10 days after there is a change of address or assumed business name, notify the board of trustees or administrator of the change. The administrator or board of trustees must, within 10 days, submit to the director an endorsement as notice of the change. A change of address includes, but is not limited to:

(a) Establishment of a new or additional location; or

(b) Termination of an existing location.

(7) The endorsement required by section (6) of this rule must state specifically which location is being deleted or which is being added. It must also identify the type of address, whether it is mailing, operating, or the principal place of business.

(8) The employer group is responsible for maintaining coverage records relating to each member, to include:

(a) The employer's application for membership in the group, with original signatures;

ADMINISTRATIVE RULES

(b) The employer's liability agreement under OAR 436-050-0270(1)(g), or resolution under 436-050-0280(1)(g), with original signatures;

- (c) Cancellation or termination notices;
- (d) Reinstatement applications and notices; and
- (e) Records on the whereabouts of employers that have been canceled or have terminated their participation in the group.

Stat. Auth.: ORS 656.704 & 656.726(4)
Stats. Implemented: ORS 656.430
Hist.: WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0420; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13; WCD 10-2014, f. 8-15-14, cert. ef. 9-15-14

436-050-0300

Self-Insured Employer Group, Common Claims Fund

(1) A self-insured employer group must establish, under the direction and control of the board of trustees and administrator, a common claims fund for the sole purpose of ensuring the availability of funds to make certain the prompt payment of all compensation and all other payments that may become due from such self-insured employer group under the workers' compensation law.

(2) The common claims fund must be maintained in an account held by an Oregon state chartered or a federally chartered bank. Government subdivisions certified as a self-insured employer group may also maintain the common claims fund in a "Local Government Investment Pool" account held by the Office of the State Treasurer.

(3) Except as provided in section (6) of this rule, the balance of the common claims fund must be maintained in an amount at least equal to 30 percent of the average of the group's paid losses for the previous four years. The full sum of the required common claims fund balance must be maintained at all times.

(4) The director may require the self-insured group to increase the amount maintained in the common claims fund.

(5) By March 1 of each year, a self-insured employer group must provide the director with adequate documentation to validate the balance in the common claims fund or notice that the amount calculated in section (3) or (6) of this rule must be included in the determination of the self-insured employer group's security deposit under OAR 436-050-0180. The director may require a self-insured employer group to provide documentation of the common claims fund balance more frequently.

(6) For governmental subdivisions certified as a self-insured employer group, the balance of the common claims fund must be maintained in an amount at least equal to 60 percent of the average of the group's yearly paid losses for the previous four years.

Stat. Auth.: ORS 656.704 & 656.726(4)
Stats. Implemented: ORS 656.430
Hist.: WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0420; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 7-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13; WCD 1-2013(Temp), f. & cert. ef. 1-23-13 thru 7-21-13; WCD 5-2013, f. 7-3-13, cert. ef. 7-22-13; WCD 10-2014, f. 8-15-14, cert. ef. 9-15-14

436-050-0340

Group Self-Insurance Revocation

Notwithstanding ORS 656.440, the certification of a self-insured employer group may be revoked by the director after giving 30 days notice if:

(1) The employer group does not comply with ORS 656.430(7) or (8) or OAR 436-050-0260, 436-050-0270, 436-050-0280, 436-050-0290, or 436-050-0300;

(2) There are fewer than five employers within a group;

(3) The net worth of the group falls below that required by OAR 436-050-0260(3);

(4) The employer group defaults in payment of compensation or other payments due the director;

(5) The employer group commits any violation for which a civil penalty could be assessed under ORS 656.745; or

(6) The employer group or any member of the group submits any false or misleading information.

Stat. Auth.: ORS 656.704 & 656.726(4)
Stats. Implemented: ORS 656.434 & 656.440
Hist.: WCD 4-1982(Admin), f. 2-10-82, ef. 2-15-82; WCD 7-1983(Admin), f. 12-22-83, ef. 12-27-83; WCD 5-1985(Admin), f. 12-10-85, cert. ef. 1-1-86; Renumbered from 436-051-0440; WCD 9-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 9-1987, f. 12-18-87, ef. 1-1-88; WCD 5-2001, f. 6-22-01, cert. ef. 7-1-01; WCD 6-2012, f. 10-4-12, cert. ef. 1-1-13; WCD 10-2014, f. 8-15-14, cert. ef. 9-15-14

Department of Fish and Wildlife Chapter 635

Rule Caption: Columbia River Zone 6 Treaty Indian Summer Commercial Gill Net Fishery Authorized

Adm. Order No.: DFW 95-2014(Temp)

Filed with Sec. of State: 7-17-2014

Certified to be Effective: 7-21-14 thru 7-31-14

Notice Publication Date:

Rules Amended: 635-041-0076

Rules Suspended: 635-041-0076(T)

Subject: This amended rule authorizes the sales of fish caught in a Treaty tribal commercial gill net fishery set for all of Zone 6 of the Columbia River from 6:00 a.m. Monday, July 21 through 6:00 p.m. Friday, July 25 (4.5 days). Modifications are consistent with action taken July 17, 2014 by the Columbia River Compact, the Departments of Fish & Wildlife for the States of Oregon and Washington in cooperation with the Columbia River Treaty Tribes.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0076

Summer Salmon Season

(1) Salmon, steelhead, shad, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from Zone 6, in the Columbia River Treaty Indian Fishery, from 12:01 a.m. Monday, June 16 through 11:59 p.m. Thursday, July 31, 2014.

(2) Gear is restricted to subsistence fishing gear which includes hoop-nets, dipnets, and rod and reel with hook-and-line, except that fish may also be taken by gill net with no minimum mesh size restriction from 6:00 a.m. Monday, July 21 through 6:00 p.m. Friday, July 25, 2014 (4.5 days).

(3) Closed areas as set forth in OAR 635-041-0045 remain in effect with the exception of Spring Creek Hatchery sanctuary.

(4) White sturgeon between 43-54 inches in fork length caught in The Dalles Pool and John Day pools and white sturgeon between 38-54 inches in fork length caught in the Bonneville Pool may not be sold but may be retained for subsistence use. Fish caught during any open period may be sold at any time.

(5) For the period beginning 12:01 a.m. Monday, June 16 through 11:59 p.m. Thursday, July 31, 2014, commercial sales of salmon, steelhead, walleye, shad, catfish, carp, bass and yellow perch caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; and Drano Lake are allowed for Yakama Nation members during those days and hours when these tributaries are open under lawfully enacted Yakama Nation fishing periods.

Stat. Auth.: ORS 496.118 & 506.119
Stats. Implemented: ORS 506.109, 506.129 & 507.030
Hist.: DFW 5-2006, f. & cert. ef. 2-15-06; DFW 39-2006(Temp), f. & cert. ef. 6-8-06 thru 7-31-06; DFW 46-2006(Temp), f. & cert. ef. 6-20-06 thru 7-31-06; DFW 49-2006(Temp), f. 6-26-06, cert. ef. 6-27-06 thru 7-31-06; DFW 56-2006(Temp), f. 6-30-06, cert. ef. 7-3-06 thru 7-31-06; DFW 58-2006(Temp), f. 7-6-06, cert. ef. 7-10-06 thru 7-31-06; Administrative correction 8-22-06; DFW 46-2007(Temp), f. 6-15-07, cert. ef. 6-16-07 thru 9-13-07; DFW 49-2007(Temp), f. 6-22-07, cert. ef. 6-26-07 thru 9-13-07; DFW 53-2007(Temp), f. & cert. ef. 7-6-07 thru 7-31-07; Administrative correction 9-16-07; DFW 45-2008(Temp), f. 5-2-08, cert. ef. 5-5-08 thru 7-31-08; DFW 47-2008(Temp), f. 5-9-08, cert. ef. 5-11-08 thru 7-31-08; DFW 62-2008(Temp), f. 6-13-08, cert. ef. 6-16-08 thru 8-31-08; DFW 68-2008(Temp), f. 6-20-08, cert. ef. 6-21-08 thru 8-31-08; DFW 71-2008(Temp), f. 6-27-08, cert. ef. 6-28-08 thru 8-31-08; DFW 80-2008(Temp), f. & cert. ef. 7-10-08 thru 8-31-08; DFW 87-2008(Temp), f. & cert. ef. 7-25-08 thru 8-31-08; DFW 94-2008(Temp), f. & cert. ef. 8-14-08 thru 9-30-08; Administrative correction 10-21-08; DFW 50-2009(Temp), f. 5-14-09, cert. ef. 5-16-09 thru 7-31-09; DFW 56-2009(Temp), f. 5-26-09, cert. ef. 5-27-09 thru 7-31-09; DFW 71-2009(Temp), f. 6-15-09, cert. ef. 6-16-09 thru 7-31-09; DFW 76-2009(Temp), f. 6-26-09, cert. ef. 6-30-09 thru 7-31-09; DFW 82-2009(Temp), f. 7-6-09, cert. ef. 7-8-09 thru 7-31-09; DFW 84-2009(Temp), f. 7-13-09, cert. ef. 7-15-09 thru 7-31-09; Administrative correction 8-21-09; DFW 48-2010(Temp), f. 4-26-10, cert. ef. 4-27-10 thru 7-31-10; DFW 51-2010(Temp), f. & cert. ef. 4-29-10 thru 7-31-10; DFW 56-2010(Temp), f. 5-10-10, cert. ef. 5-11-10 thru 7-31-10; DFW 68-2010(Temp), f. 5-18-10, cert. ef. 5-19-10 thru 7-31-10; DFW 71-2010(Temp), f. 5-19-10, cert. ef. 5-21-10 thru 6-16-10; DFW 74-2010(Temp), f. & cert. ef. 6-2-10 thru 7-31-10; DFW 80-2010(Temp), f. 6-14-10, cert. ef. 6-16-10 thru 7-31-10; DFW 87-2010(Temp), f. 6-25-10, cert. ef. 6-29-10 thru 7-31-10; DFW 97-2010(Temp), f. 7-8-10, cert. ef. 7-13-10 thru 7-31-10; DFW 101-2010(Temp), f. 7-19-10, cert. ef. 7-20-10 thru 7-31-10; DFW 105-2010(Temp), f. 7-23-10, cert. ef. 7-26-10 thru 7-31-10; Administrative correction 8-18-10; DFW 43-2011(Temp), f. & cert. ef. 5-10-11 thru 10-31-11; DFW 66-2011(Temp), f. 6-14-11, cert. ef. 6-16-11 thru 10-31-11; DFW 75-2011(Temp), f. 6-24-11, cert. ef. 6-27-11 thru 10-31-11; DFW 84-2011(Temp), f. 7-1-11, cert. ef. 7-5-11 thru 10-31-11; DFW 88-2011(Temp), f. 7-8-11, cert. ef. 7-10-11 thru 10-31-11; DFW 94-2011(Temp), f. 7-14-11, cert. ef. 7-18-11 thru 10-31-11; DFW 98-2011(Temp), f. 7-20-11, cert. ef. 7-25-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 66-2012(Temp), f. 6-14-12, cert. ef. 6-18-12 thru 7-31-12; DFW 81-2012(Temp), f. 6-29-12, cert. ef. 7-3-12 thru 7-31-12; [DFW 87-2012(Temp), f. 7-11-12, cert. ef. 7-12-12 thru 8-31-12; Temporary Suspended by DFW 94-2012(Temp), f. & cert. ef. 7-27-12 thru 10-31-12]; DFW 57-2013(Temp), f. 6-12-13, cert. ef. 6-16-13 thru 7-31-13; DFW 63-2013(Temp), f. 6-27-13, cert. ef. 6-29-13 thru 7-31-13; DFW 69-2013(Temp), f. 7-5-13, cert. ef. 7-6-13 thru 7-31-13; DFW 71-2013(Temp), f. 7-11-13, cert. ef. 7-15-13 thru 7-31-13; DFW 77-2013(Temp), f. 7-18-13, cert. ef. 7-22-13

ADMINISTRATIVE RULES

thru 7-31-13; Administrative correction, 8-21-13; DFW 66-2014(Temp), f. 6-12-14, cert. ef. 6-16-14 thru 7-31-14; DFW 79-2014(Temp), f. 6-26-14, cert. ef. 6-30-14 thru 7-31-14; DFW 91-2014(Temp), f. 7-10-14, cert. ef. 7-14-14 thru 7-31-14; DFW 95-2014(Temp), f. 7-17-14, cert. ef. 7-21-14 thru 7-31-14

Rule Caption: 2014 Columbia River Fall Recreational Salmon Seasons Set.

Adm. Order No.: DFW 96-2014(Temp)

Filed with Sec. of State: 7-18-2014

Certified to be Effective: 8-1-14 thru 12-31-14

Notice Publication Date:

Rules Amended: 635-023-0130

Subject: This amended rule sets the 2014 fall recreational Chinook salmon season regulations for the mainstem Columbia River, effective August 1, 2014. Modifications were based on 2014 Non-Indian Columbia River Summer/Fall Fishery Allocation Agreement (5/30/14) that was developed during the Pacific Fisheries Management Council (PFMC) and North of Falcon (NOF) meetings. Fall fisheries in 2014 are structured to optimize the harvest of Chinook, coho and steelhead within Endangered Species Act (ESA) limits and to provide a balanced opportunity for the fishers.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-023-0130

Fall Sport Fishery

(1) The 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) Buoy 10.

Area definition: From the Buoy 10 line upstream to a line projected from Rocky Point on the Washington shore through red buoy #44 to red marker #2 at Tongue Point on the Oregon shore.

(a) From August 1 thru December 31: Retention of adipose fin-clipped adult coho (16-inches or longer) and adipose fin-clipped steelhead allowed.

(b) From August 1 thru August 29: Retention of adult Chinook (24-inches or longer, fin-clipped or not) is allowed. The daily bag limit is two adult salmonids, only one of which may be a Chinook.

(c) From August 30 thru September 1: Retention of adipose or left-ventral fin-clipped adult Chinook is allowed. The daily bag limit is two adult salmonids, only one of which may be a Chinook.

(d) From September 2 thru September 30: Retention of Chinook is prohibited but the daily bag limit increases to three adult salmonids, of which no more than two may be adipose fin-clipped steelhead.

(e) From October 1 thru December 31: Retention of Chinook is allowed (fin-clipped or not). The daily adult bag limit is two salmonids.

(f) Jacks may only be retained October 1–December 31 under permanent rules. The daily bag limit for jack salmon is five fish. Coho jacks must be adipose fin-clipped.

(g) All other permanent rules as provided in the 2014 Oregon Sport Fishing Regulations apply.

(3) The Youngs Bay Control Zone, as described in 635-023-0140, is closed to recreational angling from August 1 through September 15.

(4) Lower Columbia River — Tongue Point/Rocky Point upstream to Warrior Rock/Bachelor Island.

Area definition: From a line projected from Rocky Point on the Washington shore through red buoy #44 to the red marker #2 at Tongue Point on the Oregon shore upstream to a line projected from the Warrior Rock Lighthouse on the Oregon shore through red buoy #4 to a marker on the lower end of Bachelor Island.

(a) From August 1 thru December 31: Retention of adipose fin-clipped coho and adipose fin-clipped steelhead allowed.

(b) From August 1 thru September 6: Retention of Chinook (fin-clipped or not) is allowed. The daily adult bag limit is two salmonids, only one of which may be a Chinook. The daily bag limit for jack salmon is five fish.

(c) From September 7 thru September 14: Retention of adipose fin-clipped Chinook is allowed. The daily adult bag limit is two salmonids, only one of which may be a Chinook. The daily bag limit for jack salmon is five fish.

(d) From September 15 thru September 30: Retention of all Chinook is prohibited. The daily bag limit is two adult salmonids.

(e) From October 1 thru December 31: Retention of Chinook is allowed (fin-clipped or not). The daily bag limit is two adult salmonids. The daily bag limit for jack salmon is five fish.

(f) Each legal angler aboard a vessel may continue to deploy angling gear until the daily adult salmonid bag limit for all anglers aboard has been achieved.

(g) All other permanent rules as provided in the 2014 Oregon Sport Fishing Regulations apply.

(5) Lower Columbia — Warrior Rock/Bachelor Island upstream to Steamboat Landing Park/Marker #50.

Area definition: From a line projected from the Warrior Rock Lighthouse on the Oregon shore through red buoy #4 to a marker on the lower end of Bachelor Island upstream to a line projected from the most downstream point on the Steamboat Landing Park dock on the Washington shore through navigation light #50 to the Oregon shore.

(a) From August 1 thru December 31: Retention of Chinook (fin-clipped or not), adipose fin-clipped coho, and adipose fin-clipped steelhead allowed. The daily bag limit is two adult salmonids. The daily bag limit for jack salmon is five fish.

(b) Each legal angler aboard a vessel may continue to deploy angling gear until the daily adult salmonid bag limit for all anglers aboard has been achieved.

(c) All other permanent rules as provided in the 2014 Oregon Sport Fishing Regulations apply.

(6) Lower Columbia — Steamboat Landing Park/Marker #50 upstream to Bonneville Dam. Area definition: From a line projected from the most downstream point on the Steamboat Landing Park dock on the Washington shore through navigation light #50 to the Oregon shore upstream to Bonneville Dam. Fishing from the Steamboat Landing Park dock is considered within the fishing area.

(a) From August 1 thru December 31: Retention of Chinook (fin-clipped or not), adipose fin-clipped coho, and adipose fin-clipped steelhead allowed. The daily bag limit is three adult salmonids, of which no more than two may be adipose fin-clipped coho or adipose fin-clipped steelhead (in any combination). The daily bag limit for jack salmon is five fish.

(b) Each legal angler aboard a vessel may continue to deploy angling gear until the daily adult salmonid bag limit for all anglers aboard has been achieved.

(c) All other permanent rules as provided in the 2014 Oregon Sport Fishing Regulations apply.

(7) Bonneville Dam upstream to the OR/WA border (upstream of McNary Dam).

(a) From August 1 thru December 31: Retention of Chinook (fin-clipped or not), coho, and adipose fin-clipped steelhead allowed. The daily bag limit is three adult salmonids, of which no more than two may be coho or adipose fin-clipped steelhead (in any combination). The daily bag limit for jack salmon is five fish.

(b) All coho retained downstream of the Hood River Bridge must be adipose fin-clipped.

(c) Each legal angler aboard a vessel may continue to deploy angling gear until the daily adult salmonid bag limit for all anglers aboard has been achieved.

(d) All other permanent rules as provided in the 2014 Oregon Sport Fishing Regulations apply.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162

Hist.: DFW 32-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 92-2004(Temp), f. 9-2-04 cert. ef. 9-6-04 thru 12-31-04; DFW 96-2004(Temp), f. 9-20-04, cert. ef. 9-30-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 25-2005, f. & cert. ef. 4-15-05; DFW 84-2005(Temp), f. & cert. ef. 8-1-05 thru 12-31-05; DFW 108-2005(Temp), f. 9-15-05, cert. ef. 9-17-05 thru 12-31-05; DFW 112-2005(Temp), f. 9-28-05, cert. ef. 9-30-05 thru 12-31-05; DFW 123-2005(Temp), f. 10-18-05, cert. ef. 10-20-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 100-2006(Temp), f. & cert. ef. 9-14-06 thru 12-31-06; DFW 109-2006(Temp), f. 9-29-06, cert. ef. 9-30-06 thru 12-31-06; DFW 113-2006(Temp), f. 10-12-06, cert. ef. 10-13-06 thru 12-31-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 92-2007(Temp), f. 9-18-07, cert. ef. 9-19-07 thru 12-31-07; DFW 96-2007(Temp), f. 9-21-07, cert. ef. 9-22-07 thru 12-31-07; DFW 101-2007(Temp), f. 9-28-07, cert. ef. 9-29-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 36-2008, f. 4-21-08, cert. ef. 5-1-08; DFW 99-2008(Temp), f. 8-22-08, cert. ef. 8-25-08 thru 12-31-08; DFW 104-2008(Temp), f. 8-29-08, cert. ef. 8-31-08 thru 12-31-08; DFW 115-2008(Temp), f. & cert. ef. 9-18-08 thru 12-31-08; DFW 118-2008(Temp), f. 9-24-08, cert. ef. 9-25-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 133-2009(Temp), f. 10-20-09, cert. ef. 10-22-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 77-2010, f. 6-8-10, cert. ef. 6-16-10; DFW 131-2010(Temp), f. 9-21-10, cert. ef. 9-22-10 thru 10-31-10; DFW 145-2010(Temp), f. 10-13-10, cert. ef. 10-15-10 thru 12-31-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 100-2011(Temp), f. 7-27-11, cert. ef. 8-11-11 thru 12-31-11; DFW 127-2011(Temp), f. 9-14-11, cert. ef. 9-16-11 thru 12-31-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 100-2012(Temp), f. 7-31-12, cert. ef. 8-1-12 thru 12-31-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 81-2013(Temp), f. 7-26-13, cert. ef. 8-1-13 thru 12-31-13; DFW 92-2013(Temp), f. 8-22-13, cert. ef. 8-23-13 thru 12-31-13; DFW 100-2013(Temp), f. 9-12-13, cert. ef. 9-13-13 thru 12-

ADMINISTRATIVE RULES

31-13; DFW 107-2013(Temp), f. 9-25-13, cert. ef. 9-26-13 thru 12-31-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 96-2014(Temp), f. 7-18-14, cert. ef. 8-1-14 thru 12-31-14

Rule Caption: Imnaha and Wallowa River Sport Chinook Fisheries Close.

Adm. Order No.: DFW 97-2014(Temp)

Filed with Sec. of State: 7-18-2014

Certified to be Effective: 7-21-14 thru 9-30-14

Notice Publication Date:

Rules Amended: 635-019-0090

Rules Suspended: 635-019-0090(T)

Subject: This amended rule closes the recreational spring Chinook fisheries in the Imnaha and Wallowa rivers effective 11:59 p.m. Sunday, July 27, 2014. The fish runs have progressed in each river where most fish are currently out of the fishery management areas.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-019-0090

Inclusions and Modifications

(1) The **2014 Oregon Sport Fishing Regulations** provide requirements for the Northeast Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the **2014 Oregon Sport Fishing Regulations**.

(2) The Imnaha River, from the mouth to Summit Creek Bridge (River Mile 45), is open to angling for adipose fin-clipped adult Chinook salmon until July 27, 2014.

(a) The daily bag limit is two (2) adipose fin-clipped adult Chinook and five (5) adipose fin-clipped jacks; two daily jack salmon limits in possession. It is illegal to continue fishing for jack Chinook once the adult bag limit is met.

(b) The daily bag limit is five (5) adipose fin-clipped jacks; two daily jack salmon limits in possession; and adult Chinook salmon may not be retained.

(c) All other General, Statewide and Northeast Zone Regulations, as provided in the **2014 Oregon Sport Fishing Regulations**, remain in effect.

(3) The Wallowa River, from a deadline at the lower end of Minam State Park upstream to the confluence with the Lostine River, is open to angling for adipose fin-clipped adult Chinook salmon until July 27, 2014.

(a) The daily bag limit is two (2) adipose fin-clipped adult Chinook and five (5) adipose fin-clipped jacks; two daily jack salmon limits in possession. It is illegal to continue fishing for jack Chinook once the adult bag limit is met.

(b) All other General, Statewide and Northeast Zone Regulations, as provided in the **2014 Oregon Sport Fishing Regulations**, remain in effect.

Stat. Auth.: ORS 183.325, 496.138 & 496.146

Stats. Implemented: ORS 496.162

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 57-1994(Temp), f. 8-30-94, cert. ef. 10-1-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 70-1995, f. 8-29-95, cert. ef. 9-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 27-1996(Temp), f. 5-24-96, cert. ef. 5-25-96; FWC 57-1996(Temp), f. 9-27-96, cert. ef. 10-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 26-1997(Temp), f. 4-23-97, cert. ef. 5-17-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 13-1998(Temp), f. & cert. ef. 2-26-98 thru 4-15-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 5-1999(Temp), f. 2-5-99, cert. ef. 2-6-99 thru 2-19-99; DFW 8-1999(Temp), f. & cert. ef. 2-23-99 thru 4-15-99; DFW 37-1999(Temp), f. 5-24-99, cert. ef. 5-29-99 thru 6-5-99; DFW 43-1999(Temp), f. & cert. ef. 6-10-99 thru 6-13-99; DFW 45-1999(Temp), f. & cert. ef. 6-14-99 thru 6-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 17-2000(Temp), f. 4-10-00, cert. ef. 4-16-00 thru 6-30-00; DFW 64-2000(Temp), f. 9-21-00, cert. ef. 9-22-00 thru 3-20-01; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 5-2001(Temp), f. 2-22-01, cert. ef. 2-24-01 thru 4-15-01; DFW 39-2001(Temp), f. 5-23-01, cert. ef. 5-26-01 thru 7-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 45-2001(Temp), f. 6-1-01, cert. ef. 6-2-01 thru 7-31-01; DFW 49-2001(Temp), f. 6-19-01, cert. ef. 6-22-01 thru 7-31-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 71-2001(Temp), f. 8-10-01, cert. ef. 9-1-01 thru 12-31-01; DFW 96-2001(Temp), f. 10-4-01, cert. ef. 12-1-01 thru 12-31-01; DFW 122-2001(Temp), f. & cert. ef. 12-31-01 thru 5-31-02; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 52-2002(Temp), f. 5-22-02, cert. ef. 5-26-02 thru 7-1-02; DFW 53-2002(Temp), f. 5-24-02, cert. ef. 5-26-02 thru 7-1-02; DFW 57-2002(Temp), f. & cert. ef. 5-30-02 thru 7-1-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 44-2003(Temp), f. 5-23-03, cert. ef. 5-28-03 thru 7-1-03; DFW 48-2003(Temp), f. & cert. ef. 6-5-03 thru 7-1-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 40-2004(Temp), f. 5-7-04, cert. ef. 5-13-04 thru 7-1-04; DFW 46-2004(Temp), f. 5-21-04, cert. ef. 5-22-04 thru 7-1-04; DFW 55-2004(Temp), f. 6-16-04, cert. ef. 6-19-04 thru 7-5-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 42-2005(Temp), f. & cert. ef. 5-13-05 thru 9-1-05; DFW 61-2005(Temp), f. 6-22-05, cert. ef. 6-25-05 thru 7-4-05; Administrative correction 7-20-05; DFW 99-2005(Temp), f. 8-24-05, cert. ef. 8-26-05 thru 9-30-05; Administrative correction 10-19-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 28-2006(Temp), f. & cert. ef. 5-15-06 thru 6-30-06; DFW 33-2006(Temp), f. 5-24-06, cert. ef. 5-25-06 thru 6-30-06; Administrative correction 7-21-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 12-2007(Temp), f. 2-28-07, cert. ef. 3-1-07 thru 8-27-07; DFW 30-2007(Temp), f. 5-9-07, cert. ef. 5-10-07 thru 9-30-07; DFW 34-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 9-30-07; Administrative correction 10-16-07;

DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 56-2008(Temp), f. 5-30-08, cert. ef. 5-31-08 thru 6-30-08; DFW 76-2008(Temp), f. & cert. ef. 7-9-08 thru 9-1-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 128-2009(Temp), f. 10-12-09, cert. ef. 10-18-09 thru 4-15-10; DFW 131-2009(Temp), f. 10-14-09, cert. ef. 10-18-09 thru 4-15-10; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 54-2010(Temp), f. 5-6-10, cert. ef. 5-22-10 thru 9-1-10; DFW 95-2010(Temp), f. 7-1-10, cert. ef. 7-11-10 thru 9-1-10; DFW 102-2010(Temp), f. 7-20-10, cert. ef. 7-25-10 thru 9-1-10; Administrative correction 9-22-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 49-2011(Temp), f. 5-16-11, cert. ef. 5-28-11 thru 9-1-11; DFW 64-2011(Temp), f. 6-10-11, cert. ef. 6-13-11 thru 9-1-11; DFW 90-2011(Temp), f. & cert. ef. 7-11-11 thru 9-1-11; DFW 92-2011(Temp), f. 7-12-11, cert. ef. 7-16-11 thru 10-31-11; DFW 99-2011(Temp), f. 7-21-11, cert. ef. 7-23-11 thru 9-1-11; DFW 104-2011(Temp), f. 8-1-11, cert. ef. 8-7-11 thru 9-1-11; Administrative correction 9-23-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 48-2012(Temp), f. 5-18-12, cert. ef. 5-23-12 thru 9-1-12; DFW 50-2012(Temp), f. 5-22-12, cert. ef. 5-24-12 thru 9-1-12; DFW 61-2012(Temp), f. & cert. ef. 6-11-12 thru 8-31-12; DFW 69-2012(Temp), f. 6-20-12, cert. ef. 6-22-12 thru 9-1-12; DFW 70-2012(Temp), f. 6-26-12, cert. ef. 6-27-12 thru 9-1-12; DFW 72-2012(Temp), f. 6-29-12, cert. ef. 7-1-12 thru 8-31-12; DFW 86-2012(Temp), f. 7-10-12, cert. ef. 7-15-12 thru 9-1-12; Administrative correction 9-20-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 153-2012(Temp), f. 12-28-12, cert. ef. 1-1-13 thru 4-30-13; DFW 31-2013(Temp), f. 5-14-13, cert. ef. 5-16-13 thru 6-30-13; DFW 39-2013(Temp), f. 5-22-13, cert. ef. 5-24-13 thru 11-19-13; DFW 46-2013(Temp), f. 5-30-13, cert. ef. 6-1-13 thru 11-26-13; DFW 62-2013(Temp), f. 6-26-13, cert. ef. 7-5-13 thru 12-31-13; DFW 74-2013(Temp), f. 7-15-13, cert. ef. 7-19-13 thru 9-1-14; Administrative correction 11-1-13; DFW 121-2013(Temp), f. 10-24-13, cert. ef. 11-1-13 thru 12-31-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 42-2014(Temp), f. 5-12-14, cert. ef. 5-17-14 thru 6-1-14; DFW 47-2014(Temp), f. 5-27-14, cert. ef. 5-31-14 thru 7-31-14; DFW 53-2014(Temp), f. 5-28-14, cert. ef. 6-1-14 thru 7-31-14; DFW 58-2014(Temp), f. 6-9-14, cert. ef. 6-21-14 thru 8-31-14; DFW 71-2014(Temp), f. & cert. ef. 6-16-14 thru 9-1-14; DFW 72-2014(Temp), f. & cert. ef. 6-19-14 thru 9-1-14; DFW 75-2014(Temp), f. 6-23-14, cert. ef. 6-27-14 thru 9-1-14; DFW 82-2014(Temp), f. 7-1-14, cert. ef. 7-5-14 thru 9-1-14; DFW 86-2014(Temp), f. 7-2-14, cert. ef. 7-5-14 thru 9-1-14; DFW 97-2014(Temp), f. 7-18-14, cert. ef. 7-21-14 thru 9-30-14

Rule Caption: Recreational Spring Chinook Fisheries Closes In the Snake River Below Hells Canyon Dam.

Adm. Order No.: DFW 98-2014(Temp)

Filed with Sec. of State: 7-18-2014

Certified to be Effective: 7-21-14 thru 9-30-14

Notice Publication Date:

Rules Amended: 635-023-0134

Rules Suspended: 635-023-0134(T)

Subject: This amended rule closes the recreational spring Chinook salmon fishery on the Snake River in the area from the Dug Bar Boat Ramp upstream to the deadline below Hells Canyon Dam effective at 11:59 p.m. on July 27, 2014 to coincide with the state of Idaho's closure of 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 until Sunday, July 27, 2014.

(b) The 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-

ADMINISTRATIVE RULES

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; DFW 98-2014(Temp), f. 7-18-14, cert. ef. 7-21-14 thru 9-30-14

Rule Caption: Directed Commercial Sardine Fishery First Allocation Period of the 2014-2015 Season Closes.

Adm. Order No.: DFW 99-2014(Temp)

Filed with Sec. of State: 7-21-2014

Certified to be Effective: 7-22-14 thru 9-30-14

Notice Publication Date:

Rules Amended: 635-004-0375

Rules Suspended: 635-004-0375(T)

Subject: This amended rule closes the first allocation period of the directed commercial sardine fishery for the 2014-2015 season effective at 12:01 a.m. Wednesday, July 23 through Sunday, September 14, 2014. Modifications are needed to conform Oregon State regulations to federal rule changes announced on July 21, 2014 by the National Marine Fisheries Service (NMFS).

Rules Coordinator: Therese Kucera—(503) 947-6033

635-004-0375

Scope, Inclusion, and Modification of Rules

(1) The commercial coastal pelagic species fishery in the Pacific Ocean off Oregon is jointly managed by the state of Oregon and the federal government through the Pacific Fishery Management Council process. The Code of Federal Regulations provides federal requirements for this fishery, including but not limited to the time, place, and manner of taking coastal pelagic species. However, additional regulations may be promulgated subsequently by publication in the Federal Register, and these supersede, to the extent of any inconsistency, the Code of Federal Regulations. Therefore, the following publications are incorporated into Oregon Administrative Rule by reference:

(a) Code of Federal Regulations, Part 660, Subpart I, (October 1, 2012 ed.);

(b) Federal Register Vol. 78, No. 116, dated June 17, 2013 (78 FR 36117); and

(c) Federal Notice Of Pacific Sardine Directed Fishing Closure, dated July 21, 2014.

(2) Persons must consult the federal regulations in addition to Division 004 to determine all applicable coastal pelagic species fishing requirements. Where federal regulations refer to the fishery management area, that area is extended from shore to three nautical miles from shore coterminous with the Exclusive Economic Zone.

(3) The Commission may adopt additional or modified regulations that are more conservative than federal regulations, in which case Oregon Administrative Rule takes precedence. See OAR 635-004-0205 through 635-004-0235 and 635-004-0380 through 635-004-0545 for additions or modifications to federal coastal pelagic species regulations.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 496.162, 506.109 & 506.129
Hist.: DFW 75-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 110-2012(Temp), f. 8-21-12, cert. ef. 8-23-12 thru 9-14-12; Administrative correction 9-20-12; DFW 58-2013, f. & cert. ef. 6-19-13; DFW 90-2013(Temp), f. 8-20-13, cert. ef. 8-22-13 thru 9-14-13; DFW 76-2014(Temp), f. 6-24-14, cert. ef. 6-25-14 thru 7-31-14; DFW 99-2014(Temp), f. 7-21-14, cert. ef. 7-22-14 thru 9-30-14

Rule Caption: Skipanon River Angling Regulations Modified Effective August 1, 2014.

Adm. Order No.: DFW 100-2014(Temp)

Filed with Sec. of State: 7-22-2014

Certified to be Effective: 8-1-14 thru 12-31-14

Notice Publication Date:

Rules Amended: 635-023-0130

Rules Suspended: 635-023-0130(T)

Subject: This amended rule conforms sport fishing regulations for the lower Skipanon River to those already set for the lower Columbia River in the area from Buoy 10 upstream to the Tongue Point-Rocky Point line.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-023-0130

Fall 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) Buoy 10. Area definition: From the Buoy 10 line upstream to a line projected from Rocky Point on the Washington shore through red buoy #44 to red marker #2 at Tongue Point on the Oregon shore.

(a) From August 1 thru December 31: Retention of adipose fin-clipped adult coho (16-inches or longer) and adipose fin-clipped steelhead allowed.

(b) From August 1 thru August 29: Retention of adult Chinook (24-inches or longer, fin-clipped or not) is allowed. The daily bag limit is two adult salmonids, only one of which may be a Chinook.

(c) From August 30 thru September 1: Retention of adipose or left-ventral fin-clipped adult Chinook is allowed. The daily bag limit is two adult salmonids, only one of which may be a Chinook.

(d) From September 2 thru September 30: Retention of Chinook is prohibited but the daily bag limit increases to three adult salmonids, of which no more than two may be adipose fin-clipped steelhead.

(e) From October 1 thru December 31: Retention of Chinook is allowed (fin-clipped or not). The daily adult bag limit is two salmonids.

(f) Jacks may only be retained October 1–December 31 under permanent rules. The daily bag limit for jack salmon is five fish. Coho jacks must be adipose fin-clipped.

(g) All other permanent rules as provided in the **2014 Oregon Sport Fishing Regulations** apply.

(3) **The Youngs Bay Control Zone**, as described in 635-023-0140, is closed to recreational angling from August 1 through September 15.

(4) **The lower Skipanon River** from the East Harbor Drive Bridge downstream to an east-west boundary line defined by a marker located near the Skipanon River mouth, during the period from August 1 through September 15, is open to retention of salmon and steelhead with restrictions and bag limits consistent with those allowed for the mainstem Columbia River in the area from Buoy 10 upstream to Tongue Point as stated in sections (2)(a) through (2)(f) above.

(5) **Lower Columbia River — Tongue Point/Rocky Point upstream to Warrior Rock/Bachelor Island**. Area definition: From a line projected from Rocky Point on the Washington shore through red buoy #44 to the red marker #2 at Tongue Point on the Oregon shore upstream to a line projected from the Warrior Rock Lighthouse on the Oregon shore through red buoy #4 to a marker on the lower end of Bachelor Island.

(a) From August 1 thru December 31: Retention of adipose fin-clipped coho and adipose fin-clipped steelhead allowed.

(b) From August 1 thru September 6: Retention of Chinook (fin-clipped or not) is allowed. The daily adult bag limit is two salmonids, only one of which may be a Chinook. The daily bag limit for jack salmon is five fish.

(c) From September 7 thru September 14: Retention of adipose fin-clipped Chinook is allowed. The daily adult bag limit is two salmonids, only one of which may be a Chinook. The daily bag limit for jack salmon is five fish.

(d) From September 15 thru September 30: Retention of all Chinook is prohibited. The daily bag limit is two adult salmonids.

(e) From October 1 thru December 31: Retention of Chinook is allowed (fin-clipped or not). The daily bag limit is two adult salmonids. The daily bag limit for jack salmon is five fish.

(f) Each legal angler aboard a vessel may continue to deploy angling gear until the daily adult salmonid bag limit for all anglers aboard has been achieved.

(g) All other permanent rules as provided in the **2014 Oregon Sport Fishing Regulations** apply.

(6) **Lower Columbia River — Warrior Rock/Bachelor Island upstream to Steamboat Landing Park/Marker #50**. Area definition: From a line projected from the Warrior Rock Lighthouse on the Oregon shore through red buoy #4 to a marker on the lower end of Bachelor Island upstream to a line projected from the most downstream point on the Steamboat Landing Park dock on the Washington shore through navigation light #50 to the Oregon shore.

(a) From August 1 thru December 31: Retention of Chinook (fin-clipped or not), adipose fin-clipped coho, and adipose fin-clipped steelhead allowed. The daily bag limit is two adult salmonids. The daily bag limit for jack salmon is five fish.

ADMINISTRATIVE RULES

(b) Each legal angler aboard a vessel may continue to deploy angling gear until the daily adult salmonid bag limit for all anglers aboard has been achieved.

(c) All other permanent rules as provided in the 2014 Oregon Sport Fishing Regulations apply.

(7) **Lower Columbia River — Steamboat Landing Park/Marker #50 upstream to Bonneville Dam.** Area definition: From a line projected from the most downstream point on the Steamboat Landing Park dock on the Washington shore through navigation light #50 to the Oregon shore upstream to Bonneville Dam. Fishing from the Steamboat Landing Park dock is considered within the fishing area.

(a) From August 1 thru December 31: Retention of Chinook (fin-clipped or not), adipose fin-clipped coho, and adipose fin-clipped steelhead allowed. The daily bag limit is three adult salmonids, of which no more than two may be adipose fin-clipped coho or adipose fin-clipped steelhead (in any combination). The daily bag limit for jack salmon is five fish.

(b) Each legal angler aboard a vessel may continue to deploy angling gear until the daily adult salmonid bag limit for all anglers aboard has been achieved.

(c) All other permanent rules as provided in the 2014 Oregon Sport Fishing Regulations apply.

(8) **Bonneville Dam upstream to the OR/WA border (upstream of McNary Dam).**

(a) From August 1 thru December 31: Retention of Chinook (fin-clipped or not), coho, and adipose fin-clipped steelhead allowed. The daily bag limit is three adult salmonids, of which no more than two may be coho or adipose fin-clipped steelhead (in any combination). The daily bag limit for jack salmon is five fish.

(b) All coho retained downstream of the Hood River Bridge must be adipose fin-clipped.

(c) Each legal angler aboard a vessel may continue to deploy angling gear until the daily adult salmonid bag limit for all anglers aboard has been achieved.

(d) All other permanent rules as provided in the 2014 Oregon Sport Fishing Regulations apply.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162

Hist.: DFW 32-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 92-2004(Temp), f. 9-2-04 cert. ef. 9-6-04 thru 12-31-04; DFW 96-2004(Temp), f. 9-20-04, cert. ef. 9-30-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 25-2005, f. & cert. ef. 4-15-05; DFW 84-2005(Temp), f. & cert. ef. 8-1-05 thru 12-31-05; DFW 108-2005(Temp), f. 9-15-05, cert. ef. 9-17-05 thru 12-31-05; DFW 112-2005(Temp), f. 9-28-05, cert. ef. 9-30-05 thru 12-31-05; DFW 123-2005(Temp), f. 10-18-05, cert. ef. 10-20-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 100-2006(Temp), f. & cert. ef. 9-14-06 thru 12-31-06; DFW 109-2006(Temp), f. 9-29-06, cert. ef. 9-30-06 thru 12-31-06; DFW 113-2006(Temp), f. 10-12-06, cert. ef. 10-13-06 thru 12-31-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 92-2007(Temp), f. 9-18-07, cert. ef. 9-19-07 thru 12-31-07; DFW 96-2007(Temp), f. 9-21-07, cert. ef. 9-22-07 thru 12-31-07; DFW 101-2007(Temp), f. 9-28-07, cert. ef. 9-29-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 36-2008, f. 4-21-08, cert. ef. 5-1-08; DFW 99-2008(Temp), f. 8-22-08, cert. ef. 8-25-08 thru 12-31-08; DFW 104-2008(Temp), f. 8-29-08, cert. ef. 8-31-08 thru 12-31-08; DFW 115-2008(Temp), f. & cert. ef. 9-18-08 thru 12-31-08; DFW 118-2008(Temp), f. 9-24-08, cert. ef. 9-25-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 133-2009(Temp), f. 10-20-09, cert. ef. 10-22-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 77-2010, f. 6-8-10, cert. ef. 6-16-10, DFW 131-2010(Temp), f. 9-21-10, cert. ef. 9-22-10 thru 10-31-10; DFW 145-2010(Temp), f. 10-13-10, cert. ef. 10-15-10 thru 12-31-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 100-2011(Temp), f. 7-27-11, cert. ef. 8-1-11 thru 12-31-11; DFW 127-2011(Temp), f. 9-14-11, cert. ef. 9-16-11 thru 12-31-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 100-2012(Temp), f. 7-31-12, cert. ef. 8-1-12 thru 12-31-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 81-2013(Temp), f. 7-26-13, cert. ef. 8-1-13 thru 12-31-13; DFW 92-2013(Temp), f. 8-22-13, cert. ef. 8-23-13 thru 12-31-13; DFW 100-2013(Temp), f. 9-12-13, cert. ef. 9-13-13 thru 12-31-13; DFW 107-2013(Temp), f. 9-25-13, cert. ef. 9-26-13 thru 12-31-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 100-2014(Temp), f. 7-22-14, cert. ef. 8-1-14 thru 12-31-14

Rule Caption: Cumulative Trip Limits for Black and Blue Rockfish Combined in Periods 4 through 6 Increased.

Adm. Order No.: DFW 101-2014(Temp)

Filed with Sec. of State: 7-23-2014

Certified to be Effective: 8-1-14 thru 12-31-14

Notice Publication Date:

Rules Amended: 635-004-0355

Subject: This amended rule increases the 2014 nearshore commercial fishery cumulative trip limits for black rockfish and blue rockfish combined from 1,600 to 2,100 pounds in period 4; from 1,200 to 2,100 pounds in period 5; and from 1,000 to 1,800 pounds in period 6. An Industry Notice dated July 25, 2014 is being distributed to all commercial groundfish fishers and processors.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-004-0355

Trip Limits

(1) The trip limits outlined in this rule are set at the beginning of each calendar year based on commercial harvest caps and projected fishing effort, and are subject to in-season adjustments and closures. Fishers should refer to Nearshore Commercial Fishery Industry Notices on the Marine Resources Program Commercial Fishing Rules and Regulations webpage for the most up-to-date information regarding trip limits and other regulations affecting the Nearshore Commercial Fishery.

(2) For black and blue rockfish combined, vessels with a Black Rockfish/Blue Rockfish/Nearshore Fishery Permit, with or without a Nearshore Endorsement, may land no more than the following cumulative trip limits:

- 1000 pounds in period 1;
- 1200 pounds in period 2;
- 1700 pounds in period 3;
- 2,100 in period 4;
- 2,100 pounds in period 5; and
- 1,800 pounds in period 6.

(3) For all other nearshore species, vessels with a Black Rockfish/Blue Rockfish/Nearshore Fishery Permit with Nearshore Endorsement may land no more than the following cumulative trip limits in each period:

- 700 pounds of other nearshore rockfish combined;
- 1,500 pounds of cabezon; and
- 300 pounds of greenling species.

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

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 75-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 79-2012(Temp), f. 6-28-12, cert. ef. 7-1-12 thru 12-27-12; DFW 118-2012(Temp), f. 9-10-12, cert. ef. 9-11-12 thru 12-31-12; DFW 141-2012(Temp), f. 10-31-12, cert. ef. 11-1-12 thru 12-31-12; DFW 151-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 99-2013(Temp), f. & cert. ef. 9-9-13 thru 12-31-13; Administrative correction, 2-5-14; DFW 101-2014(Temp), f. 7-23-14, cert. ef. 8-1-14 thru 12-31-14

Rule Caption: Columbia River Mainstem Summer Commercial Drift Net Fisheries Authorized.

Adm. Order No.: DFW 102-2014(Temp)

Filed with Sec. of State: 7-23-2014

Certified to be Effective: 7-28-14 thru 7-31-14

Notice Publication Date:

Rules Amended: 635-042-0027

Rules Suspended: 635-042-0027(T)

Subject: This amended rule sets a non-Indian commercial summer salmon drift gill net period for the mainstem Columbia River in Zones 1 through 5. The period will commence at 7:00 p.m. Monday, July 28 and run through to 7:00 a.m. Tuesday, July 29, 2014 (12 hours). Allowed sales from these fisheries include Chinook salmon, sockeye salmon, and shad. Rule modifications were made consistent with Joint State Action taken July 23, 2014, by the Columbia River Compact agencies of the Departments of Fish & Wildlife for the States of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0027

Summer Salmon Season

(1) Chinook salmon, sockeye salmon, and shad may be taken by drift gill net for commercial purposes in Zones 1 through 5, from 7:00 p.m. Monday, July 28 to 7:00 a.m. Tuesday, July 29, 2014 (12 hours).

(2) It is *unlawful* to use a gill net having a mesh size less than 8 inches. Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(3) Closed waters, as described in OAR 635-042-0005 for Cowlitz River, Kalama A, Lewis A, Washougal River and Sandy River sanctuaries are in effect during open fishing periods as applicable.

Stat. Auth.: ORS 496.118, 506.109 & 506.129

Stats. Implemented: ORS 506.119 & 507.030

Hist.: DFW 5-2006, f. & cert. ef. 2-15-06; DFW 47-2006(Temp), f. 6-20-06, cert. ef. 6-26-06 thru 7-31-06; DFW 51-2006(Temp), f. & cert. ef. 6-29-06 thru 7-31-06; DFW 57-2006(Temp), f. 7-5-06, cert. ef. 7-6-06 thru 7-31-06; DFW 63-2006(Temp), f. 7-14-2006, cert. ef. 7-16-06 thru 7-31-06; DFW 68-2006(Temp), f. 7-28-06, cert. ef. 7-30-06 thru 7-31-06; Administrative correction 8-22-06; DFW 45-2007(Temp), f. 6-15-07, cert. ef. 6-25-07 thru 7-31-07; DFW 52-2007(Temp), f. & cert. ef. 7-6-07 thru 7-31-07; DFW 63-2008(Temp), f. 6-13-08, cert. ef. 6-24-08 thru 7-31-08; DFW 68-2008(Temp), f. 6-20-08, cert. ef. 6-21-08

ADMINISTRATIVE RULES

thru 8-31-08; DFW 75-2008(Temp), f. 7-3-08, cert. ef. 7-7-08 thru 7-31-08; Administrative correction 8-21-08; DFW 72-2009(Temp), f. 6-15-09, cert. ef. 6-18-09 thru 7-31-09; Administrative correction 8-21-09; DFW 81-2010(Temp), f. 6-14-10, cert. ef. 6-17-10 thru 7-31-10; Administrative correction 8-18-10; DFW 67-2011(Temp), f. 6-14-11, cert. ef. 6-16-11 thru 7-31-11; Administrative correction 9-23-11; DFW 67-2012(Temp), f. 6-14-12, cert. ef. 6-17-12 thru 7-31-12; Administrative correction, 8-27-12; DFW 56-2013(Temp), f. 6-12-13, cert. ef. 6-16-13 thru 7-31-13; DFW 72-2013(Temp), f. 7-11-13, cert. ef. 7-15-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 67-2014(Temp), f. 6-12-14, cert. ef. 6-16-14 thru 7-31-14; DFW 84-2014(Temp), f. 7-2-14, cert. ef. 7-7-14 thru 7-31-14; DFW 93-2014(Temp), f. 7-10-14, cert. ef. 7-14-14 thru 7-31-14; DFW 102-2014(Temp), f. 7-23-14, cert. ef. 7-28-14 thru 7-31-14

Rule Caption: Columbia River Zone 6 Treaty Indian Summer Commercial Gill Net Fishery Authorized.

Adm. Order No.: DFW 103-2014(Temp)

Filed with Sec. of State: 7-23-2014

Certified to be Effective: 7-28-14 thru 7-31-14

Notice Publication Date:

Rules Amended: 635-041-0076

Rules Suspended: 635-041-0076(T)

Subject: This amended rule authorizes the sales of fish caught in a Treaty tribal commercial gill net fishery set for all of Zone 6 of the Columbia River from 6:00 a.m. Monday, July 28 through 6:00 p.m. Thursday, July 31 (3.5 days). Modifications are consistent with action taken July 23, 2014 by the Columbia River Compact, the Departments of Fish & Wildlife for the States of Oregon and Washington in cooperation with the Columbia River Treaty Tribes.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0076

Summer Salmon Season

(1) Salmon, steelhead, shad, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from Zone 6, in the Columbia River Treaty Indian Fishery, from 12:01 a.m. Monday, June 16 through 11:59 p.m. Thursday, July 31, 2014.

(2) Gear is restricted to subsistence fishing gear which includes hoop-nets, dipnets, and rod and reel with hook-and-line, except that fish may also be taken by gill net with no minimum mesh size restriction from 6:00 a.m. Monday, July 28 through 6:00 p.m. Thursday, July 31, 2014 (3.5 days).

(3) Closed areas as set forth in OAR 635-041-0045 remain in effect with the exception of Spring Creek Hatchery sanctuary.

(4) Sturgeon between 43–54 inches in fork length caught in The Dalles Pool and John Day pools and sturgeon between 38–54 inches in fork length caught in the Bonneville Pool may not be sold but may be retained for subsistence use. Fish caught during any open period may be sold at any time.

(5) For the period beginning 12:01 a.m. Monday, June 16 through 11:59 p.m. Thursday, July 31, 2014, commercial sales of salmon, steelhead, walleye, shad, catfish, carp, bass and yellow perch caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; and Drano Lake are allowed for Yakama Nation members during those days and hours when these tributaries are open under lawfully enacted Yakama Nation fishing periods.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: DFW 5-2006, f. & cert. ef. 2-15-06; DFW 39-2006(Temp), f. & cert. ef. 6-8-06 thru 7-31-06; DFW 46-2006(Temp), f. & cert. ef. 6-20-06 thru 7-31-06; DFW 49-2006(Temp), f. 6-26-06, cert. ef. 6-27-06 thru 7-31-06; DFW 56-2006(Temp), f. 6-30-06, cert. ef. 7-3-06 thru 7-31-06; DFW 58-2006(Temp), f. 7-6-06, cert. ef. 7-10-06 thru 7-31-06; Administrative correction 8-22-06; DFW 46-2007(Temp), f. 6-15-07, cert. ef. 6-16-07 thru 9-13-07; DFW 49-2007(Temp), f. 6-22-07, cert. ef. 6-26-07 thru 9-13-07; DFW 53-2007(Temp), f. & cert. ef. 7-6-07 thru 7-31-07; Administrative correction 9-16-07; DFW 45-2008(Temp), f. 5-2-08, cert. ef. 5-5-08 thru 7-31-08; DFW 47-2008(Temp), f. 5-9-08, cert. ef. 5-11-08 thru 7-31-08; DFW 62-2008(Temp), f. 6-13-08, cert. ef. 6-16-08 thru 8-31-08; DFW 68-2008(Temp), f. 6-20-08, cert. ef. 6-21-08 thru 8-31-08; DFW 71-2008(Temp), f. 6-27-08, cert. ef. 6-28-08 thru 8-31-08; DFW 80-2008(Temp), f. & cert. ef. 7-10-08 thru 8-31-08; DFW 87-2008(Temp), f. & cert. ef. 7-25-08 thru 8-31-08; DFW 94-2008(Temp), f. & cert. ef. 8-14-08 thru 9-30-08; Administrative correction 10-21-08; DFW 50-2009(Temp), f. 5-14-09, cert. ef. 5-16-09 thru 7-31-09; DFW 56-2009(Temp), f. 5-26-09, cert. ef. 5-27-09 thru 7-31-09; DFW 71-2009(Temp), f. 6-15-09, cert. ef. 6-16-09 thru 7-31-09; DFW 76-2009(Temp), f. 6-26-09, cert. ef. 6-30-09 thru 7-31-09; DFW 82-2009(Temp), f. 7-6-09, cert. ef. 7-8-09 thru 7-31-09; DFW 84-2009(Temp), f. 7-13-09, cert. ef. 7-15-09 thru 7-31-09; Administrative correction 8-21-09; DFW 48-2010(Temp), f. 4-26-10, cert. ef. 4-27-10 thru 7-31-10; DFW 51-2010(Temp), f. & cert. ef. 4-29-10 thru 7-31-10; DFW 56-2010(Temp), f. 5-10-10, cert. ef. 5-11-10 thru 7-31-10; DFW 68-2010(Temp), f. 5-18-10, cert. ef. 5-19-10 thru 7-31-10; DFW 71-2010(Temp), f. 5-19-10, cert. ef. 5-21-10 thru 6-16-10; DFW 74-2010(Temp), f. & cert. ef. 6-2-10 thru 7-31-10; DFW 80-2010(Temp), f. 6-14-10, cert. ef. 6-16-10 thru 7-31-10; DFW 87-2010(Temp), f. 6-25-10, cert. ef. 6-29-10 thru 7-31-10; DFW 97-2010(Temp), f. 7-8-10, cert. ef. 7-13-10 thru 7-31-10; DFW 101-2010(Temp), f. 7-19-10, cert. ef. 7-20-10 thru 7-31-10; DFW 105-2010(Temp), f. 7-23-10, cert. ef. 7-26-10 thru 7-31-10; Administrative correction 8-18-10; DFW 43-2011(Temp), f. & cert. ef. 5-10-11 thru 10-31-11; DFW 66-2011(Temp), f. 6-14-11, cert. ef. 6-16-11 thru 10-31-11; DFW 75-2011(Temp), f. 6-24-11, cert. ef. 6-27-11 thru 10-31-11; DFW 84-2011(Temp), f. 7-1-11, cert. ef. 7-5-11 thru 10-31-

11; DFW 88-2011(Temp), f. 7-8-11, cert. ef. 7-10-11 thru 10-31-11; DFW 94-2011(Temp), f. 7-14-11, cert. ef. 7-18-11 thru 10-31-11; DFW 98-2011(Temp), f. 7-20-11, cert. ef. 7-25-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 66-2012(Temp), f. 6-14-12, cert. ef. 6-18-12 thru 7-31-12; DFW 81-2012(Temp), f. 6-29-12, cert. ef. 7-3-12 thru 8-31-12; [DFW 87-2012(Temp), f. 7-11-12, cert. ef. 7-12-12 thru 8-31-12]; Temporary Suspended by DFW 94-2012(Temp), f. & cert. ef. 7-27-12 thru 10-31-12; DFW 57-2013(Temp), f. 6-12-13, cert. ef. 6-16-13 thru 7-31-13; DFW 63-2013(Temp), f. 6-27-13, cert. ef. 6-29-13 thru 7-31-13; DFW 69-2013(Temp), f. 7-5-13, cert. ef. 7-6-13 thru 7-31-13; DFW 71-2013(Temp), f. 7-11-13, cert. ef. 7-15-13 thru 7-31-13; DFW 77-2013(Temp), f. 7-18-13, cert. ef. 7-22-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 66-2014(Temp), f. 6-12-14, cert. ef. 6-16-14 thru 7-31-14; DFW 79-2014(Temp), f. 6-26-14, cert. ef. 6-30-14 thru 7-31-14; DFW 91-2014(Temp), f. 7-10-14, cert. ef. 7-14-14 thru 7-31-14; DFW 95-2014(Temp), f. 7-17-14, cert. ef. 7-21-14 thru 7-31-14; DFW 103-2014(Temp), f. 7-23-14, cert. ef. 7-28-14 thru 7-31-14

Rule Caption: Maximum Allowable Retention of Incidentally Caught Sardines is Reduced

Adm. Order No.: DFW 104-2014(Temp)

Filed with Sec. of State: 7-29-2014

Certified to be Effective: 8-1-14 thru 9-30-14

Notice Publication Date:

Rules Amended: 635-004-0375

Rules Suspended: 635-004-0375(T)

Subject: This amended rule reduces the maximum allowable retention of sardines landed when fishing for other species. A previous Temporary Rule closed the first allocation period from Wednesday, July 23 through September 14, 2014. However, further modifications are needed to conform Oregon's regulations to federal rule changes for the sardine fishery announced by the National Marine Fisheries Service (NMFS) on July 25, 2014. Maximum allowable retention of sardines is 20% per landing (by weight) beginning at 12:01 a.m. Thursday, July 31 through Sunday, September 14, 2014. Modifications are also needed to avoid the closures of fisheries for Pacific mackerel, jack mackerel, and other species due to attainment of the maximum incidental set aside for sardines allowed under federal rule.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-004-0375

Scope, Inclusion, and Modification of Rules

(1) The commercial coastal pelagic species fishery in the Pacific Ocean off Oregon is jointly managed by the state of Oregon and the federal government through the Pacific Fishery Management Council process. The Code of Federal Regulations provides federal requirements for this fishery, including but not limited to the time, place, and manner of taking coastal pelagic species. However, additional regulations may be promulgated subsequently by publication in the Federal Register, and these supersede, to the extent of any inconsistency, the Code of Federal Regulations. Therefore, the following publications are incorporated into Oregon Administrative Rule by reference:

(a) Code of Federal Regulations, Part 660, Subpart I, (October 1, 2012 ed.);

(b) Federal Register Vol. 79, No. 143, dated July 25, 2014 (79 FR 43269); and

(c) Federal Notice Of Pacific Sardine Directed Fishing Closure, dated July 21, 2014.

(2) Persons must consult the federal regulations in addition to Division 004 to determine all applicable coastal pelagic species fishing requirements. Where federal regulations refer to the fishery management area, that area is extended from shore to three nautical miles from shore coterminous with the Exclusive Economic Zone.

(3) Notwithstanding the above, incidentally caught Pacific sardines may be landed by vessels targeting other commercial species in the Pacific Ocean, and shall not exceed 20% of total landing by weight.

(4) The Commission may adopt additional or modified regulations that are more conservative than federal regulations, in which case Oregon Administrative Rule takes precedence. See OAR 635-004-0205 through 635-004-0235 and 635-004-0380 through 635-004-0545 for additions or modifications to federal coastal pelagic species regulations.

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

Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119 & 506.129

Stats. Implemented: ORS 496.162, 506.109 & 506.129

Hist.: DFW 75-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 110-2012(Temp), f. 8-21-12, cert. ef. 8-23-12 thru 9-14-12; Administrative correction 9-20-12; DFW 58-2013, f. & cert. ef. 6-19-13; DFW 90-2013(Temp), f. 8-20-13, cert. ef. 8-22-13 thru 9-14-13; DFW 76-2014(Temp), f. 6-24-14, cert. ef. 6-25-14 thru 7-31-14; DFW 99-2014, f. 7-21-14, cert. ef. 7-22-14 thru 9-30-14; DFW 104-2014(Temp), f. 7-29-14, cert. ef. 8-1-14 thru 9-30-14

ADMINISTRATIVE RULES

Rule Caption: Columbia River Treaty Indian Fall Commercial Fisheries Authorized.

Adm. Order No.: DFW 105-2014(Temp)

Filed with Sec. of State: 7-30-2014

Certified to be Effective: 8-1-14 thru 10-31-14

Notice Publication Date:

Rules Amended: 635-041-0045, 635-041-0075

Subject: These amended rules authorize the sales of fish caught in fall Treaty tribal platform commercial fisheries set for the Columbia River from Friday, August 1 through Friday, October 31. Modifications are consistent with action taken July 29, 2014 by the Columbia River Compact agencies, the Departments of Fish & Wildlife for 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 Friday, August 1 through Friday, October 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 allowed under Treaty regulations which may include hoopnets, 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 3/4 mile above The Dalles Dam east fishway exit, thence at a right angle to the thread of the river to a point in midriver, thence downstream to Light "1" on the Washington shore; except that dip nets, bag nets, and hoop nets are permitted during commercial salmon and shad fishing seasons at the Lone Pine Indian fishing site located immediately above The Dalles Interstate Bridge.

(5) The Columbia River between a line extending at a right angle across the thread of the river from a deadline marker at Preachers Eddy light below the John Day Dam and a line approximately 4.3 miles upstream extending from a marker on the Oregon shore approximately one-half mile above the upper easterly bank of the mouth of the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, thence turning downstream to a marker located on the Washington shore approximately opposite the mouth of the John Day River.

(6) The Columbia River within areas at and adjacent to the mouths of the Deschutes River and the Umatilla River. The closed areas are along the Oregon side of the Columbia River and extend out to the midstream from a point one-half mile above the intersection of the upper bank of the tributary with the Columbia River to a point one mile downstream from the intersection of the lower bank of the tributary with the Columbia River. All such points are posted with deadline markers.

(7) The Columbia River within an area and adjacent to the mouth of the Big White Salmon River. The closed area is along the Washington side of the Columbia River and extends out to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

(8) The Columbia River within an area at and adjacent to the mouth of Drano Lake (Little White Salmon River). The closed area is along the Washington side of the Columbia River and extends out to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upriver of the outlet of Drano Lake.

(9) The Columbia River within an area and adjacent to the mouth of the Wind River. The closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

(10) The Columbia River within areas at and adjacent to the mouth of Hood River. The closed area is along the Oregon side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at end of the breakwall at the west end of the Port of Hood River and 1/2 mile upriver from the east bank.

(11) The Columbia River within a radius of 150 feet of the Spring Creek Hatchery fishway, except that during the period of August 25–September 20 inclusive the closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between a marker located 1 1/2 miles downriver of the Spring Creek Hatchery fishway up to the downstream marker of the Big White Salmon sanctuary located approximately 1/2 mile upriver of the Spring Creek Hatchery fishway.

(12) Herman Creek upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(13) The Columbia River within an area and adjacent to the mouth of the Klickitat River. The closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1 1/8 miles downstream from the west bank.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 89, f. & ef. 1-28-77; FWC 133, f. & ef. 8-4-77; FWC 149(Temp), f. & ef. 9-21-77 thru 1-18-78; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0045; FWC 6-1980, f. & ef. 1-28-80; FWC 44-1980(Temp), f. & ef. 8-22-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 4-1984, f. & ef. 1-31-84; FWC 55-1985(Temp), f. & ef. 9-6-85; FWC 4-1986 (Temp), f. & ef. 1-28-86; FWC 25-1986(Temp), f. & ef. 6-25-86; FWC 42-1986, f. & ef. 8-15-86; FWC 2-1987, f. & ef. 1-23-87; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 54-1989 (Temp), f. & cert. ef. 8-7-89; FWC 90-1989, f. & cert. ef. 9-6-89; FWC 80-1990(Temp), f. 8-7-90, cert. ef. 8-8-90; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 40-2011(Temp), f. & cert. ef. 5-5-11 thru 10-31-11; DFW 43-2011(Temp), f. & cert. ef. 5-10-11 thru 10-31-11; DFW 60-2011(Temp), f. 6-2-11, cert. ef. 6-6-11 thru 10-31-11; DFW 63-2011(Temp), f. 6-8-11, cert. ef. 6-9-11 thru 10-31-11; DFW 66-2011(Temp), f. 6-14-11, cert. ef. 6-16-11 thru 10-31-11; DFW 88-2011(Temp), f. 7-8-11, cert. ef. 7-10-11 thru 10-31-11; DFW 119-2011(Temp), f. 8-26-11, cert. ef. 8-29-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 5-2012(Temp), f. 1-30-12, cert. ef. 2-1-12 thru 3-31-12; DFW 142-2012(Temp), f. 2-28-12, cert. ef. 2-29-12 thru 6-15-12; DFW 46-2012(Temp), f. 5-14-12, cert. ef. 5-15-12 thru 6-30-12; DFW 74-2012(Temp), f. 6-29-12, cert. ef. 7-1-12 thru 10-31-12; DFW 87-2012(Temp), f. 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. 9-10-12, cert. ef. 9-11-12 thru 10-31-12; DFW 143-2012(Temp), f. 11-7-12, cert. ef. 11-8-12 thru 1-29-13; DFW 8-2013(Temp), f. 1-31-13, cert. ef. 2-1-13 thru 3-31-13; DFW 18-2013(Temp), f. 3-5-13, cert. ef. 3-6-13 thru 6-15-13; DFW 57-2013(Temp), f. 6-12-13, cert. ef. 6-16-13 thru 7-31-13; DFW 88-2013(Temp), f. 8-9-13, cert. ef. 8-12-13 thru 12-31-13; DFW 116-2013(Temp), f. 10-8-13, cert. ef. 10-9-13 thru 12-31-13; DFW 22-2014(Temp), f. 3-11-14, cert. ef. 3-12-14 thru 7-31-14; DFW 37-2014(Temp), f. & cert. ef. 5-6-14 thru 7-31-14; DFW 105-2014(Temp), f. 7-30-14, cert. ef. 8-1-14 thru 10-31-14

635-041-0075

Late Fall Salmon Season

(1) Salmon, steelhead, shad, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from Zone 6, in the Columbia River Treaty Indian platform and hook-and-line fisheries, from 12:01 a.m. Friday, August 1 through 11:59 p.m. Friday, October 31, 2014.

(2) Gear used in the fishery described in section (1) above is restricted to subsistence fishing gear which includes hoopnets, dipnets, and rod and reel with hook-and-line.

(3) Closed areas as set forth in OAR 635-041-0045 remain in effect with the exception of Spring Creek Hatchery sanctuary.

(4) Sturgeon between 43–54 inches in fork length caught in The Dalles Pool and John Day pools and sturgeon between 38–54 inches in fork length caught in the Bonneville Pool may not be sold but may be retained for subsistence use. Fish caught during any open period may be sold at any time.

(5) For the period beginning 12:01 a.m. Friday, August 1 through 11:59 p.m. Friday, October 31, 2014, commercial sales of salmon, steel-

ADMINISTRATIVE RULES

head, 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. Gear is restricted to subsistence fishing gear which includes hoopnets, dipnets, and rod and reel with hook-and-line, except that fish may also be taken by gill net in Drano Lake.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: FWC 25-1979, f. & ef. 8-2-79; FWC 36-1979(Temp), f. & ef. 8-22-79; FWC 47-1979(Temp), f. & ef. 9-21-79; FWC 44-1980(Temp), f. & ef. 8-22-80; FWC 46-1980(Temp), f. & ef. 9-13-80; FWC 33-1981(Temp), f. & ef. 9-15-81; FWC 58-1982(Temp), f. & ef. 8-27-82; FWC 62-1982(Temp), f. & ef. 9-7-82; FWC 63-1982(Temp), f. & ef. 9-14-82; FWC 75-1982(Temp), f. & ef. 10-29-82; FWC 36-1983, f. & ef. 8-18-83; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 51-1983(Temp), f. & ef. 9-30-83; FWC 55-1983(Temp), f. & ef. 10-4-83; FWC 46-1984, f. & ef. 8-30-84; FWC 55-1984(Temp), f. & ef. 9-10-84; FWC 58-1984(Temp), f. & ef. 9-17-84; FWC 61-1984(Temp), f. & ef. 9-21-84; FWC 70-1984(Temp), f. & ef. 10-9-84; FWC 47-1985, f. & ef. 8-23-85; FWC 60-1985(Temp), f. & ef. 9-13-85; FWC 63-1985(Temp), f. & ef. 9-24-85; FWC 42-1986, f. & ef. 8-15-86; FWC 53-1986(Temp), f. & ef. 9-4-86; FWC 54-1986(Temp), f. & ef. 9-5-86; FWC 57-1986(Temp), f. & ef. 9-11-86; FWC 60-1986(Temp), f. & ef. 9-26-86; FWC 62-1986(Temp), f. & ef. 10-2-86; FWC 63-1987, f. & ef. 8-7-87; FWC 74-1987(Temp), f. & ef. 9-4-87; FWC 75-1987(Temp), f. & ef. 9-1-87; FWC 78-1987(Temp), f. & ef. 9-15-87; FWC 80-1987(Temp), f. & ef. 9-18-87; FWC 87-1987(Temp), f. & ef. 10-9-87; FWC 89-1987(Temp), f. & ef. 10-12-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 72-1988(Temp), f. & cert. ef. 8-19-88; FWC 77-1988(Temp), f. & cert. ef. 9-2-88; FWC 91-1988(Temp), f. & cert. ef. 9-16-88; FWC 95-1988(Temp), f. & cert. ef. 9-28-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 87-1989(Temp), f. & cert. ef. 9-1-89; FWC 95-1989(Temp), f. & cert. ef. 9-19-89; FWC 96-1989(Temp), f. & cert. ef. 9-21-89; FWC 99-1989(Temp), f. & cert. ef. 9-27-89; FWC 100-1989(Temp), f. & cert. ef. 9-28-89; FWC 80-1990(Temp), f. & cert. ef. 8-8-90; FWC 90-1990, f. & cert. ef. 8-31-90; FWC 96-1990(Temp), f. & cert. ef. 9-7-90; FWC 98-1990(Temp), f. & cert. ef. 9-14-90; FWC 97-1990; FWC 85-1991, f. & cert. ef. 8-12-91; FWC 96-1991, f. & cert. ef. 9-9-91; FWC 101-1991(Temp), f. & cert. ef. 9-10-91; FWC 103-1991(Temp), f. & cert. ef. 9-18-91; FWC 110-1991(Temp), f. & cert. ef. 9-27-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 86-1992(Temp), f. & cert. ef. 9-2-92; FWC 87-1992(Temp), f. & cert. ef. 9-7-92; FWC 91-1992(Temp), f. & cert. ef. 9-16-92; FWC 91-1992; FWC 96-1992(Temp), f. & cert. ef. 9-23-92; FWC 105-1992(Temp), f. & cert. ef. 10-2-92; FWC 105-92; FWC 107-1992(Temp), f. & cert. ef. 10-9-92; FWC 47-1993, f. & cert. ef. 8-9-93; FWC 52-1993, f. & cert. ef. 8-30-93; FWC 57-1993(Temp), f. & cert. ef. 9-13-93; FWC 59-1993(Temp), f. & cert. ef. 9-17-93; FWC 61-1993(Temp), f. & cert. ef. 9-24-93; FWC 55-1994(Temp), f. & cert. ef. 8-26-94; FWC 61-1994(Temp), f. & cert. ef. 9-7-94; FWC 55-1994; FWC 74-1994(Temp), f. & cert. ef. 10-12-94; FWC 68-1995(Temp), f. & cert. ef. 8-25-95; FWC 82-95; FWC 72-1995(Temp), f. & cert. ef. 9-1-95; FWC 75-1995(Temp), f. & cert. ef. 9-13-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1996(Temp), f. & cert. ef. 9-2-96; FWC 51-1996(Temp), f. & cert. ef. 9-9-96; FWC 53-1996(Temp), f. & cert. ef. 9-26-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 52-1997(Temp), f. & cert. ef. 8-29-97; FWC 57(Temp), f. & cert. ef. 9-9-97; FWC 60-1997(Temp), f. & cert. ef. 9-17-97; FWC 68-1998(Temp), f. & cert. ef. 8-25-98 thru 9-25-98; FWC 76-1998(Temp), f. & cert. ef. 9-8-98 thru 9-25-98; DFW 77-1998(Temp), f. & cert. ef. 9-14-98 thru 9-25-98; DFW 79-1998(Temp), f. & cert. ef. 9-21-98, cert. ef. 9-22-98 thru 9-25-98; DFW 80-1998(Temp), f. & cert. ef. 9-23-98, cert. ef. 9-24-98 thru 9-25-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 62-1999(Temp), f. & cert. ef. 9-3-99 thru 9-11-99; DFW 65-1999(Temp), f. & cert. ef. 9-15-99 thru 9-17-99; DFW 69-1999(Temp), f. & cert. ef. 9-17-99 thru 9-18-99; DFW 72-1999(Temp), f. & cert. ef. 9-22-99 thru 10-22-99; DFW 74-1999(Temp), f. & cert. ef. 9-28-99, cert. ef. 9-29-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. & cert. ef. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 60-2000(Temp), f. & cert. ef. 9-11-00, cert. ef. 9-12-00 thru 12-31-00; DFW 61-2000(Temp), f. & cert. ef. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; Administrative correction 6-19-01; DFW 75-2001(Temp), f. & cert. ef. 8-20-01 thru 9-8-01; DFW 87-2001(Temp), f. & cert. ef. 9-10-01, cert. ef. 9-11-01 thru 9-15-01; DFW 91-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 94-2001(Temp), f. & cert. ef. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; DFW 100-2001(Temp), f. & cert. ef. 10-16-01, cert. ef. 10-17-01 thru 12-31-01; DFW 89-2002(Temp), f. & cert. ef. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 98-2002(Temp), f. & cert. ef. 8-30-02 thru 12-31-02; DFW 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 113-2002(Temp), f. & cert. ef. 10-14-02, cert. ef. 10-15-02 thru 12-31-02; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 81-2003(Temp), f. & cert. ef. 8-25-03, cert. ef. 8-26-03 thru 12-31-03; DFW 91-2003(Temp), f. & cert. ef. 9-12-03, cert. ef. 9-16-03 thru 12-31-03; DFW 97-2003(Temp), f. & cert. ef. 9-22-03, cert. ef. 9-24-03 thru 12-31-03; DFW 101-2003(Temp), f. & cert. ef. 9-26-03, cert. ef. 10-1-03 thru 12-31-03; DFW 103-2003(Temp), f. & cert. ef. 10-3-03, cert. ef. 10-8-03 thru 12-31-03; DFW 104-2003(Temp), f. & cert. ef. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; DFW 95-2004(Temp), f. & cert. ef. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; DFW 104-2004(Temp), f. & cert. ef. 10-12-04, cert. ef. 10-13-04 thru 12-31-04; DFW 110-2004(Temp), f. & cert. ef. 10-29-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 104-2005(Temp), f. & cert. ef. 9-12-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; DFW 71-2006(Temp), f. & cert. ef. 7-31-06, cert. ef. 8-1-06 thru 12-31-06; DFW 86-2006(Temp), f. & cert. ef. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 94-2006(Temp), f. & cert. ef. 9-8-06, cert. ef. 9-11-06 thru 12-31-06; DFW 101-2006(Temp), f. & cert. ef. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 107-2006(Temp), f. & cert. ef. 9-28-06, cert. ef. 10-3-06 thru 12-31-06; DFW 115-2006(Temp), f. & cert. ef. 10-13-06, cert. ef. 10-15-06 thru 12-31-06; Administrative correction 1-16-07; DFW 60-2007(Temp), f. & cert. ef. 8-1-07 thru 12-31-07; DFW 77-2007(Temp), f. & cert. ef. 8-17-07, cert. ef. 8-22-07 thru 12-31-07; DFW 88-2007(Temp), f. & cert. ef. 9-10-07, cert. ef. 9-11-07 thru 12-31-07; DFW 95-2007(Temp), f. & cert. ef. 9-21-07, cert. ef. 9-25-07 thru 12-31-07; DFW 100-2007(Temp), f. & cert. ef. 9-28-07, cert. ef. 10-3-07 thru 12-31-07; DFW 110-2007(Temp), f. & cert. ef. 10-16-07, cert. ef. 10-20-07 thru 12-31-07; DFW 106-2008(Temp), f. & cert. ef. 9-4-08, cert. ef. 9-6-08 thru 10-31-08; DFW 109-2008(Temp), f. & cert. ef. 9-12-08, cert. ef. 9-15-08 thru 10-31-08; DFW 112-2008(Temp), f. & cert. ef. 9-17-08, cert. ef. 9-18-08 thru 10-31-08; DFW 117-2008(Temp), f. & cert. ef. 9-22-08 thru 10-31-08; DFW 122-2008(Temp), f. & cert. ef. 9-29-08 thru 10-31-08; DFW 125-2008(Temp), f. & cert. ef. 10-6-08, cert. ef. 10-7-08 thru 10-31-08; DFW 134-2008(Temp), f. & cert. ef. 10-17-08 thru 10-31-08; DFW 141-2008(Temp), f. & cert. ef. 11-10-08, cert. ef. 11-12-08 thru 11-30-08; DFW 88-2009(Temp), f. & cert. ef. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 95-2009(Temp), f. & cert. ef. 8-19-09, cert. ef. 8-24-09 thru 12-31-09; DFW 111-2009(Temp), f. & cert. ef. 9-11-09, cert. ef. 9-13-09 thru 9-

30-09; DFW 114-2009(Temp), f. & cert. ef. 9-21-09 thru 10-31-09; DFW 119-2009(Temp), f. & cert. ef. 9-29-09 thru 10-31-09; DFW 129-2009(Temp), f. & cert. ef. 10-13-09, cert. ef. 10-14-09 thru 10-31-09; Administrative correction 11-19-09; DFW 111-2010(Temp), f. & cert. ef. 7-30-10, cert. ef. 8-1-10 thru 10-31-10; DFW 120-2010(Temp), f. & cert. ef. 8-18-10, cert. ef. 8-24-10 thru 10-31-10; DFW 128-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; DFW 136-2010(Temp), f. & cert. ef. 9-24-10, cert. ef. 9-27-10 thru 10-31-10; DFW 142-2010(Temp), f. & cert. ef. 10-9-10 thru 10-31-10; DFW 149-2010(Temp), f. & cert. ef. 10-18-10, cert. ef. 10-19-10 thru 10-31-10; Administrative correction 11-23-10; DFW 103-2011(Temp), f. & cert. ef. 7-29-11, cert. ef. 8-1-11 thru 10-31-11; DFW 119-2011(Temp), f. & cert. ef. 8-26-11, cert. ef. 8-29-11 thru 10-31-11; DFW 124-2011(Temp), f. & cert. ef. 9-12-11 thru 10-31-11; DFW 130-2011(Temp), f. & cert. ef. 9-15-11, cert. ef. 9-19-11 thru 10-31-11; DFW 133-2011(Temp), f. & cert. ef. 9-21-11, cert. ef. 9-22-11 thru 10-31-11; DFW 138-2011(Temp), f. & cert. ef. 9-30-11, cert. ef. 10-3-11 thru 10-31-11; DFW 142-2011(Temp), f. & cert. ef. 10-6-11, cert. ef. 10-8-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 94-2012(Temp), f. & cert. ef. 7-27-12 thru 10-31-12; DFW 107-2012(Temp), f. & cert. ef. 8-15-12, cert. ef. 8-21-12 thru 10-31-12; DFW 119-2012(Temp), f. & cert. ef. 9-10-12, cert. ef. 9-11-12 thru 10-31-12; DFW 120-2012(Temp), f. & cert. ef. 9-18-12 thru 10-31-12; DFW 124-2012(Temp), f. & cert. ef. 9-25-12, cert. ef. 9-26-12 thru 10-31-12; DFW 127-2012(Temp), f. & cert. ef. 10-2-12 thru 10-31-12; DFW 143-2012(Temp), f. & cert. ef. 11-7-12, cert. ef. 11-8-12 thru 1-29-13; Administrative correction, 2-25-13; DFW 88-2013(Temp), f. & cert. ef. 8-9-13, cert. ef. 8-12-13 thru 12-31-13; DFW 89-2013(Temp), f. & cert. ef. 8-14-13, cert. ef. 8-19-13 thru 12-31-13; DFW 98-2013(Temp), f. & cert. ef. 9-6-13, cert. ef. 9-10-13 thru 10-31-13; DFW 102-2013(Temp), f. & cert. ef. 9-13-13, cert. ef. 9-16-13 thru 10-31-13; DFW 106-2013(Temp), f. & cert. ef. 9-19-13, cert. ef. 9-24-13 thru 10-31-13; DFW 111-2013(Temp), f. & cert. ef. 9-27-13, cert. ef. 9-30-13 thru 10-31-13; DFW 116-2013(Temp), f. & cert. ef. 10-8-13, cert. ef. 10-9-13 thru 12-31-13; DFW 105-2014(Temp), f. & cert. ef. 7-30-14, cert. ef. 8-1-14 thru 10-31-14

Rule Caption: Commercial Sales of Dressed Salmon and Steelhead by Columbia River Treaty Tribal Fishers Allowed.

Adm. Order No.: DFW 106-2014(Temp)

Filed with Sec. of State: 7-30-2014

Certified to be Effective: 8-1-14 thru 12-31-14

Notice Publication Date:

Rules Amended: 635-006-0212, 635-006-0215, 635-006-0225

Subject: These amended rules allow commercial sales of gilled and gutted Columbia River salmon and steelhead caught by Treaty tribal members to wholesale fish dealers, cannery, and buyers. Modifications also require wholesale fish dealers, cannery, and buyers to report totals of fish purchased in round eights on the Fish Receiving Ticket using a conversion factor of 1.17.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-006-0212

Fish Receiving Ticket — Salmon

(1) This regulation is in addition to, and not in lieu of the provisions contained in OAR 635-006-0210.

(2) Fish receiving tickets shall be completed at time of landing and the original copy forwarded within four consecutive days following the landing to the Oregon Department of Fish and Wildlife.

(3) For troll-caught salmon, fish receiving tickets shall show the number of days fished during the trip in which the salmon were caught.

(4) It is lawful for licensed wholesale fish dealers, cannery, or buyers to purchase from tribal fishers, referred to in OAR 635-041-0005, gilled and gutted Columbia River salmon lawfully taken by treaty Indians during commercial fishing seasons. The licensed wholesale dealer must submit round weights on the Fish Receiving Ticket by multiplying the weights of gilled and gutted salmon by the conversion factor listed in 635-006-0215 for tribal Columbia River salmon and steelhead.

Stat. Auth.: ORS 506.036, 506.109, 506.129, 508.025, 508.040 & 508.535

Stats. Implemented: ORS 506.109, 506.129, 508.025, 508.040 & 508.530

Hist.: FWC 142-1991, f. & cert. ef. 1-1-92; DFW 63-2003, f. & cert. ef. 7-17-03; DFW 31-2004, f. & cert. ef. 4-22-04, cert. ef. 5-1-04; DFW 44-2006(Temp), f. & cert. ef. 6-19-06 thru 12-15-06; Administrative correction 12-16-06; DFW 79-2008(Temp), f. & cert. ef. 7-10-08 thru 12-31-08; Administrative correction 1-23-09; DFW 70-2009(Temp), f. & cert. ef. 6-15-09, cert. ef. 6-16-09 thru 12-12-09; DFW 47-2010(Temp), f. & cert. ef. 4-26-10, cert. ef. 4-27-10 thru 10-23-10; DFW 102-2011(Temp), f. & cert. ef. 8-1-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 77-2012, f. & cert. ef. 6-28-12, cert. ef. 7-1-12; DFW 83-2012(Temp), f. & cert. ef. 7-5-12 thru 12-31-12; Administrative correction, 2-1-13; DFW 68-2013(Temp), f. & cert. ef. 7-3-13 thru 12-30-13; Administrative correction, 2-5-14; DFW 106-2014(Temp), f. & cert. ef. 8-1-14 thru 12-31-14

635-006-0215

Monthly Remittance Report

(1) A monthly report is required of all licensed:

(a) Wholesale fish dealers, wholesale fish bait dealers, food fish cannery, or shellfish cannery receiving food fish or shellfish from licensed commercial fishers or bait fishers;

(b) Limited Fish Sellers selling food fish or shellfish.

(2) Except as provided in OAR 635-006-0220, the report is required even though no food fish or shellfish are received or sold during the calendar month covered by the report.

(3) The following information shall be included on the report:

(a) Fish dealer's name, license number, and address;

ADMINISTRATIVE RULES

- (b) Calendar month of the report;
- (c) Serial numbers of all Fish Receiving Tickets issued during the month;
- (d) Total pounds of all salmon and steelhead received or sold during the calendar month on which poundage fees are due. Salmon and steelhead may be reported as round weight, dressed head on or dressed head off;
- (e) Total value of salmon and steelhead received or sold during the calendar month including fish eggs and parts;
- (f) Total value of all other food fish and shellfish including eggs and parts;
- (g) Total pounds in the round of all other species of food fish or shellfish received or sold during the calendar month on which taxes are due. When landed in a dressed condition, the following listed species may be converted to round weight for the purposes of completing monthly reports, by multiplying each applicable below-listed factor by the dressed weight of that species:
 - (A) Troll salmon:
 - (i) Gilled and gutted 1.15
 - (ii) Gilled, gutted, and headed 1.30
 - (B) Tribal Columbia River salmon and steelhead trout: Gilled and gutted 1.17
 - (C) Halibut:
 - (i) Gilled and gutted 1.15
 - (ii) Gilled, gutted, and headed 1.35
 - (D) Sablefish, gutted and headed 1.60
 - (E) Pacific whiting:
 - (i) Fillet 2.86
 - (ii) Headed and gutted 1.56
 - (F) Thresher shark 2.0
 - (G) Lingcod:
 - (i) Gilled and gutted 1.1
 - (ii) Gilled, gutted and headed 1.5
 - (H) Spot prawn, tails 2.24
 - (I) Rockfish (including thornyheads), except Pacific Ocean Perch:
 - (i) Gutted and headed 1.75
 - (ii) Gutted and headed, with collarbone still attached to body (western cut) 1.66
 - (iii) Gutted and headed, with collarbone removed from body (eastern cut) 2.0
 - (J) Pacific Ocean Perch, gutted and headed 1.6
 - (K) Pacific Cod, gutted and headed 1.58
 - (L) Dover sole, English sole, and "other flatfish" as defined in Title 50 of the Code of Federal Regulations, part 660 Subpart C, gutted and headed 1.53
 - (M) Petrale sole, gutted and headed 1.51
 - (N) Arrowtooth flounder, gutted and headed 1.35
 - (O) Starry flounder, gutted and headed 1.49
 - (P) Groundfish, glazed:
 - (i) Conversion factors must be calculated for each landing for each species or species group categorized in OAR 635-006-0209 when there are 60 or greater individuals of a category in a single landing as follows:
 - (I) Weigh a sample of at least 20 glazed fish to obtain the glazed weight;
 - (II) Completely remove glaze from individual fish making up the sample;
 - (III) Re-weigh the sample to obtain the non-glazed weight;
 - (IV) Divide the non-glazed weight by the glazed weight to obtain the conversion factor;
 - (V) A separate conversion factor may be calculated for each size grade of a species, but may only be applied to landings of that size grade;
 - (VI) Documentation of this calculation must be retained with the dock receiving ticket.
 - (ii) A conversion factor of 0.95 must be applied when there are fewer than 60 individuals of any species or species group categorized in OAR 635-006-0209 in a single landing.
 - (h) Total value of food fish landed in another state but not taxed by that state;
 - (i) Total pounds in the round of all food fish landed in another state but not taxed by that state;
 - (j) Total fees due — in accordance with ORS 508.505 the fees are the value of the food fish at the point of landing multiplied by the following rates:
 - (A) All salmon and steelhead, 3.15 percent;
 - (B) Effective January 1, 2005, all black rockfish, blue rockfish and nearshore fish (as defined by ORS 506.011), 5.00 percent.

- (C) Effective January 1, 2010, all other food fish (except tuna, as defined by ORS 508.505), 2.25 percent.
- (D) All tuna (as defined by ORS 508.505), 1.09 percent.
- (k) Signature of the individual completing the report.
- (4) The monthly report and all landing fees due shall be sent to the Department on or before the 20th of each month for the preceding calendar month. Landing fees are delinquent if not received or postmarked within 20 days after the end of the calendar month. A penalty charge of \$5 or five percent of the landing fees due, whichever is larger, shall be assessed along with a one percent per month interest charge on any delinquent landing fee payments.

Stat. Auth.: ORS 506.036, 506.109, 506.119, 506.129 & 508.530

Stats. Implemented: ORS 506.109, 506.129, 508.535, 508.505 & 508.550

Hist.: FC 246, f. 5-5-72, ef. 5-15-72; FC 274(74-6), f. 3-20-74, ef. 4-11-74; FWC 28, f. 11-28-75, ef. 1-1-76, Renumbered from 625-040-0140; FWC 48-1978, f. & ef. 9-27-78, Renumbered from 635-036-0585; FWC 17-1981(Temp), f. & ef. 5-22-81; FWC 25-1981(Temp), f. 7-8-81, ef. 7-15-81; FWC 27-1981, f. & ef. 8-14-81; FWC 1-1986, f. & ef. 1-10-86; FWC 4-1987, f. & ef. 2-6-87; FWC 99-1987, f. & ef. 11-17-87; FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92; FWC 22-1992(Temp), f. 4-10-92, cert. ef. 4-13-92; FWC 53-1992, f. 7-17-92, cert. ef. 7-20-92; FWC 5-1993, f. 1-22-93, cert. ef. 1-25-93; DFW 38-1999, f. & cert. ef. 5-24-99; DFW 112-2003, f. & cert. ef. 11-14-03; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 118-2005(Temp), f. & cert. ef. 10-10-05 thru 12-31-05; DFW 139-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 79-2008(Temp) f. & cert. ef. 7-10-08 thru 12-31-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 70-2009(Temp), f. 6-15-09, cert. ef. 6-16-09 thru 12-12-09; DFW 73-2009(Temp), f. 6-24-09, cert. ef. 6-25-09 thru 12-21-09; Administrative correction 12-23-09; DFW 39-2010(Temp), f. 3-30-10, cert. ef. 4-1-10 thru 9-27-10; DFW 47-2010(Temp), f. 4-26-10, cert. ef. 4-27-10 thru 10-23-10; Administrative correction 11-23-10; DFW 157-2010, f. 12-6-10, cert. ef. 1-1-11; DFW 102-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 164-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 77-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 83-2012(Temp), f. & cert. ef. 7-5-12 thru 12-31-12; DFW 151-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 68-2013(Temp), f. & cert. ef. 7-3-13 thru 12-30-13; Administrative correction, 2-5-14; DFW 106-2014(Temp), f. 7-30-14, cert. ef. 8-1-14 thru 12-31-14

635-006-0225

Purchase, Record, Report, and Sale of Steelhead Trout and Walleye from Treaty Indian Fisheries

(1) Steelhead trout and walleye lawfully taken by treaty Indians during commercial fishing seasons may be purchased by licensed wholesale fish dealers, cannery, or buyers pursuant to restrictions set forth in sections (2) through (5) of this rule. In addition, steelhead trout and walleye taken lawfully by treaty Indians during commercial fishing seasons may be purchased and/or possessed by any individual pursuant to restrictions set forth in section (6) of this rule.

(2) The wholesale fish dealer, cannery, or buyer, shall at the time of purchase, enter the purchase of steelhead trout and walleye on a Department Columbia River Fish Receiving Ticket. Information required to be entered on the Fish Receiving Ticket shall be the same as required by OAR 635-006-0210 through 635-006-0212 for each purchase of food fish.

(3) The record keeping and reporting requirements for food fish as set forth in OAR 635-006-0200 through 635-006-0215 shall apply to all steelhead trout and walleye purchases. The round weights of all gilled and gutted steelhead trout must be converted by the licensed wholesale fish dealer, cannery, or buyer by using the conversion factor of 1.17 listed in 635-006-0215 for Tribal Columbia River salmon and steelhead trout.

(4) In addition to the records required in connection with the purchase of steelhead trout, and walleye, a record of all sales of steelhead trout and walleye shall be maintained by licensed wholesale fish dealers, cannery, or buyers for a period of three years and shall be subject to inspection by the Department, the Director's authorized agent or the Oregon State Police. Such record of sales shall include as a minimum:

(a) Name and address of each person to whom either steelhead or walleye are sold;

(b) Quantity in pounds of each sale identified as whole or round weight; and

(c) Date of each delivery.

(5) Steelhead trout and walleye taken lawfully by treaty Indians during commercial fishing seasons may be purchased from a treaty Indian and/or possessed by any individual so long as said fish are accompanied by a written document listing treaty Indian taker's name, tribal enrollment number, number of fish, approximate weight of each fish, date and location where taken, date of sale, and purchaser's name. It is unlawful for any individual other than a treaty Indian to sell steelhead trout or walleye. The provisions in this section (5) apply to individuals other than licensed wholesale fish dealers, cannery and buyers.

Stat. Auth.: ORS 506.036, 506.109, 506.119, 508.530 & 509.031

Stats. Implemented: ORS 498.022, 506.109, 506.129, 508.535 & 508.550

Hist.: FWC 39, f. & ef. 1-23-76, Renumbered from 625-040-0150, Renumbered from 635-036-0595; FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92; FWC 41-1995, f. 5-23-95, cert. ef. 5-24-95; FWC 51-1997(Temp), f. & cert. ef. 8-27-97; DFW 73-1998, f. & cert. ef. 8-28-98; DFW 32-2008(Temp), f. & cert. ef. 4-1-08 thru 9-27-08; DFW 79-2008(Temp) f. & cert. ef. 7-10-08 thru 12-31-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 70-2009(Temp), f. 6-

ADMINISTRATIVE RULES

15-09, cert. ef. 6-16-09 thru 12-12-09; Administrative correction 12-23-09; DFW 47-2010(Temp), f. 4-26-10, cert. ef. 4-27-10 thru 10-23-10; Administrative correction 11-23-10; DFW 102-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 77-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 83-2012(Temp), f. & cert. ef. 7-5-12 thru 12-31-12; DFW 101-2012, f. & cert. ef. 8-6-12; DFW 68-2013(Temp), f. & cert. ef. 7-3-13 thru 12-30-13; Administrative correction, 2-5-14; DFW 106-2014(Temp), f. 7-30-14, cert. ef. 8-1-14 thru 12-31-14

Rule Caption: Early Fall Commercial Drift Gill Net Seasons Set for the Mainstem Columbia River.

Adm. Order No.: DFW 107-2014(Temp)

Filed with Sec. of State: 7-30-2014

Certified to be Effective: 8-3-14 thru 8-31-14

Notice Publication Date:

Rules Amended: 635-042-0031

Subject: Amended rule sets the 2014 early fall commercial salmon drift gill net season for the Columbia River mainstem in Zones 4 through 5. The first authorized fishing period begins at 9:00 p.m. Sunday, August 3, 2014 with further fishing periods scheduled through 6:00 a.m. Friday, August 22, 2014. Authorized sales include Chinook, coho, pink and sockeye salmon and shad.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0031

Early Fall Salmon Season

(1) Salmon and sturgeon may be taken for commercial purposes in the waters of the Columbia River: Zones 4–5, as identified in OAR 635-042-0001. The deadline at the lower end of Zone 4 is defined as a straight line projected from the Warrior Rock Lighthouse on the Oregon shore easterly through the green navigation Buoy #1 and continuing to the Washington shore.

(a) Authorized fishing periods are as follows:

9:00 p.m. Sunday, August 3 to 6:00 a.m. Monday, August 4 (9 hours);
9:00 p.m. Tuesday, August 5 to 6:00 a.m. Wednesday, August 6 (9 hours);
9:00 p.m. Thursday, August 7 to 6:00 a.m. Friday, August 8 (9 hours);
9:00 p.m. Sunday, August 10 to 6:00 a.m. Monday, August 11 (9 hours);
9:00 p.m. Tuesday, August 12 to 6:00 a.m. Wednesday, August 13 (9 hours);
9:00 p.m. Thursday, August 14 to 6:00 a.m. Friday, August 15 (9 hours);
9:00 p.m. Sunday, August 17 to 6:00 a.m. Monday, August 18 (9 hours);
9:00 p.m. Tuesday, August 19 to 6:00 a.m. Wednesday, August 20 (9 hours); and
9:00 p.m. Thursday, August 21 to 6:00 a.m. Friday, August 22 (9 hours).

(b) Sanctuaries include: Washougal and Sandy rivers.

(2) Gear is restricted to drift gill nets only with 9-inch minimum mesh size. The multiple net rule is NOT in effect and nets not authorized for this fishery are prohibited to be onboard the vessel.

(3) Allowable sales include: Chinook, coho, pink, and sockeye salmon and shad.

Stat. Auth.: ORS 496.118, 506.109 & 506.129

Stats. Implemented: ORS 506.119 & 507.030

Hist.: FWC 63-1987, f. & cert. ef. 8-7-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 68-1988(Temp), f. & cert. ef. 8-15-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 56-1989(Temp), f. & cert. ef. 8-11-89; FWC 58-1989(Temp), f. & cert. ef. 8-14-89; FWC 80-1989(Temp), f. & cert. ef. 8-28-89, cert. ef. 8-29-89; FWC 80-1990(Temp), f. 8-7-90, cert. ef. 8-8-90; FWC 85-1991, f. 8-7-91, cert. ef. 8-12-91; FWC 91-1991(Temp), f. & cert. ef. 8-29-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 53-1996(Temp), f. & cert. ef. 9-16-96; FWC 49-1997, f. 8-20-97, cert. ef. 8-24-97; DFW 74-1998(Temp), f. & cert. ef. 8-25-98 thru 8-26-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 75-1999(Temp), f. 9-29-99, cert. ef. 9-30-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 52-2000(Temp), f. 8-23-00, cert. ef. 8-23-00 thru 8-24-00; Administrative correction 6-20-01; DFW 68-2001(Temp), f. 8-7-01, cert. ef. 8-8-01 thru 8-9-01; DFW 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; DFW 79-2001(Temp), f. & cert. ef. 8-22-01 thru 12-31-01; DFW 80-2001(Temp), f. & cert. ef. 8-24-01 thru 12-31-01; DFW 86-2001(Temp), f. & cert. ef. 9-4-01 thru 12-31-01; DFW 81-2002(Temp), f. 8-2-02, cert. ef. 8-4-02 thru 8-9-02; DFW 87-2002(Temp), f. & cert. ef. 8-9-02 thru 8-12-02; DFW 89-2002(Temp), f. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 82-2003(Temp), f. & cert. ef. 8-25-03 thru 12-31-03; DFW 87-2003(Temp), f. & cert. ef. 8-27-03 thru 12-31-03; DFW 81-2004(Temp), f. & cert. ef. 8-12-04 thru 12-31-04; DFW 82-2004(Temp), f. & cert. ef. 8-16-04 thru 12-31-04; DFW 86-2004(Temp), f. 8-19-04 thru 12-31-04; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 88-2005(Temp), f. 8-11-05, cert. ef. 8-14-05 thru 12-31-05; DFW 90-2005(Temp), f. & cert. ef. 8-17-05 thru 12-31-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 98-2005(Temp), f. 8-24-05, cert. ef. 8-25-05 thru 12-31-05; Administrative correction 1-19-06; DFW 72-2006(Temp), f. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 82-2006(Temp), f. 8-11-06, cert. ef. 8-13-06 thru 12-31-06; DFW 88-2006(Temp), f. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 89-2006(Temp), f. 8-24-06, cert. ef. 8-25-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 72-2007(Temp), f. 8-17-07, cert. ef. 8-23-07 thru 8-31-07; Administrative correction 9-16-07; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 93-2008(Temp), f. & cert. ef. 8-12-08 thru 12-31-08; DFW 95-2008(Temp), f. & cert. ef. 8-14-08 thru 9-30-08; DFW 100-2008(Temp), f. 8-22-08, cert. ef. 8-25-08 thru 9-30-08; DFW 102-2008(Temp), f. & cert. ef. 8-26-08 thru 9-1-08; Administrative correction 9-29-08; Administrative correction 10-21-08; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 90-2009(Temp), f. 8-7-09, cert. ef. 8-8-09 thru 12-31-09; DFW 96-2009(Temp),

f. & cert. ef. 8-21-09 thru 8-31-09; DFW 97-2009(Temp), f. & cert. ef. 8-25-09 thru 8-31-09; DFW 100-2009(Temp), f. & cert. ef. 8-27-09 thru 8-31-09; Administrative correction 9-29-09; DFW 112-2010(Temp), f. 7-30-10, cert. ef. 8-3-10 thru 8-31-10; DFW 121-2010(Temp), f. 8-18-10, cert. ef. 8-19-10 thru 8-31-10; Administrative correction 9-22-10; DFW 132-2010(Temp), f. 9-21-10, cert. ef. 9-22-10 thru 10-31-10; DFW 137-2010(Temp), f. & cert. ef. 9-24-10 thru 10-31-10; Administrative correction 11-23-10; DFW 105-2011(Temp), f. 8-2-11, cert. ef. 8-4-11 thru 8-31-11; DFW 120-2011(Temp), f. 8-26-11, cert. ef. 8-28-11 thru 9-14-11; DFW 128-2011(Temp), f. 9-14-11, cert. ef. 9-18-11 thru 9-30-11; DFW 134-2011(Temp), f. 9-21-11, cert. ef. 9-22-11 thru 9-30-11; DFW 136-2011(Temp), f. & cert. ef. 9-28-11 thru 10-5-11; DFW 140-2011(Temp), f. 10-4-11, cert. ef. 10-5-11 thru 10-12-11; DFW 144-2011(Temp), f. 10-11-11, cert. ef. 10-13-11 thru 10-31-11; DFW 147-2011(Temp), f. 10-17-11, cert. ef. 10-18-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 98-2012(Temp), f. 7-31-12, cert. ef. 8-5-12 thru 10-31-12; DFW 112-2012(Temp), f. 8-24-12, cert. ef. 8-26-12 thru 10-31-12; DFW 121-2012(Temp), f. & cert. ef. 9-18-12 thru 10-31-12; Administrative correction 11-23-12; DFW 83-2013(Temp), f. 7-29-13, cert. ef. 8-11-13 thru 8-31-13; DFW 95-2013(Temp), f. 8-23-13, cert. ef. 8-25-13 thru 8-31-13; DFW 97-2013(Temp), f. 8-27-13, cert. ef. 8-28-13 thru 8-31-13; DFW 101-2013(Temp), f. 9-13-13, cert. ef. 9-15-13 thru 9-30-13; DFW 105-2013(Temp), f. & cert. ef. 9-19-13 thru 9-30-13; DFW 108-2013(Temp), f. 9-25-13, cert. ef. 9-26-13 thru 9-30-13; DFW 113-2013(Temp), f. 9-27-13, cert. ef. 10-1-13 thru 10-16-13; Administrative correction, 11-22-13; DFW 107-2014(Temp), f. 7-30-14, cert. ef. 8-3-14 thru 8-31-14

Rule Caption: Youngs Bay Commercial Fall Fisheries Set.

Adm. Order No.: DFW 108-2014(Temp)

Filed with Sec. of State: 8-4-2014

Certified to be Effective: 8-5-14 thru 10-31-14

Notice Publication Date:

Rules Amended: 635-042-0145

Subject: This amended rule sets non-Indian commercial fall salmon and shad drift gill net fisheries for the Youngs Bay Select Area of the Columbia River beginning August 5 through October 31, 2014. Modifications are consistent with Joint State Action taken July 29, 2014 by the Columbia River Compact agencies of the states of Oregon and Washington Departments of Fish & Wildlife and Oregon State Action.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0145

Youngs Bay Salmon Season

(1) Chinook, coho pink, and sockeye salmon and shad may be taken for commercial purposes in those waters of Youngs Bay described as all waters from the new Highway 101 bridge upstream to the upper boundary markers at Battle Creek Slough; including the lower Walluski River upstream to the Highway 202 bridge and the lower Lewis and Clark River upstream to the overhead power lines immediately upstream of Barrett Slough. Open fishing periods are as follows:

(A) 7:00 p.m. Tuesdays through 7:00 a.m. Thursdays, weekly from August 5 through August 21, 2014 (three 36-hour periods);

(B) 7:00 p.m. Monday, August 25 through 7:00 a.m. Friday, August 29, 2014 (3.5 days); and

(C) 7:00 p.m. Monday, September 1 through noon Friday, October 31, 2014 (61 days).

(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 and the upper deadline at Battle Creek Slough and in the Lewis and Clark River from the Alternate Highway 101 bridge upstream to the overhead power lines immediately upstream of Barrett Slough. 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 more than 9.75 inches through August 21 and more than 6 inches thereafter. Nets that are fished at any time between official sunset and official sunrise must have lighted buoys on both ends of the net unless the net is attached to the boat. If the net is attached to the boat, then one lighted buoy on the opposite end of the net from the boat is required.

(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

ADMINISTRATIVE RULES

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; DFW 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cert. ef. 3-3-98; DFW 18-1998(Temp), f. 3-9-98, cert. ef. 3-11-98 thru 3-31-98; DFW 60-1998(Temp), f. & cert. ef. 8-7-98 thru 8-21-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 52-1999(Temp), f. & cert. ef. 8-2-99 thru 8-6-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 66-2001(Temp), f. 8-2-01, cert. ef. 8-6-01 thru 8-14-01; DFW 76-2001(Temp), f. & cert. ef. 8-2-01 thru 10-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; DFW 82-2002(Temp), f. 8-5-02, cert. ef. 8-7-02 thru 9-1-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 17-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 8-1-03; DFW 32-2003(Temp), f. & cert. ef. 4-23-03 thru 8-1-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 37-2003(Temp), f. & cert. ef. 5-7-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 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 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 15-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 46-2005(Temp), f. 5-17-05, cert. ef. 5-18-05 thru 10-16-05; DFW 73-2005(Temp), f. 7-8-05, cert. ef. 7-11-05 thru 7-31-05; DFW 77-2005(Temp), f. 7-14-05, cert. ef. 7-18-05 thru 7-31-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & 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 15-2006(Temp), f. & cert. ef. 3-23-06 thru 7-27-06; DFW 17-2006(Temp), f. 3-29-06, cert. ef. 3-30-06 thru 7-27-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 52-2006(Temp), f. & cert. ef. 6-28-06 thru 7-27-06; DFW 73-2006(Temp), f. 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; 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; DFW 45-2014(Temp), f. 5-14-14, cert. ef. 5-20-14 thru 7-31-14; DFW 51-2014(Temp), f. & cert. ef. 5-28-14 thru 7-31-14; DFW 55-2014(Temp), f. 6-3-14, cert. ef. 6-4-14 thru 7-31-14; DFW 108-2014(Temp), f. 8-4-14, cert. ef. 8-5-14 thru 10-31-14

Rule Caption: Federal Actions and Management Measures for Commercial Groundfish Trawl and Fixed Gear Fisheries Implemented

Adm. Order No.: DFW 109-2014(Temp)

Filed with Sec. of State: 8-4-2014

Certified to be Effective: 8-4-14 thru 12-31-14

Notice Publication Date:

Rules Amended: 635-004-0275

Rules Suspended: 635-004-0275(T)

Subject: This amended rule implements rule corrections and in-season actions previously adopted by the federal government for the 2014 Pacific ocean commercial groundfish fisheries. Modifications include, but are not limited to: (1) corrections to Rockfish Conservation Area (RCA) coordinates; (2) corrections to shore-based trawl allocations for several species; and (3) changes in the limited entry and open access fixed gear sablefish DTL fishery trip limits.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-004-0275

Scope, Inclusion, and Modification of Rules

(1) The commercial groundfish fishery in the Pacific Ocean off Oregon is jointly managed by the state of Oregon and the federal government through the Pacific Fishery Management Council process. The Code of Federal Regulations provides federal requirements for this fishery, including but not limited to the time, place, and manner of taking groundfish. However, additional regulations may be promulgated subsequently by publication in the Federal Register, and these supersede, to the extent of any inconsistency, the Code of Federal Regulations. Therefore, the following publications are incorporated into Oregon Administrative Rule by reference:

(a) Code of Federal Regulations, Part 660, Subparts C, D, E and F (October 1, 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.

(6) Notwithstanding the regulations defined in section (1) of this rule, the National Marine Fisheries Service, by means of Federal Register/Vol.79, No. 92/Tuesday, May 13, 2014, announced coordinate corrections to the Rockfish Conservation Area (RCA) boundary regulations

ADMINISTRATIVE RULES

that published in the Federal Register on April 17, 2014; the correcting amendment is effective May 13, 2014.

(7) Notwithstanding the regulations defined in section (1) of this rule, the National Marine Fisheries Service, by means of Federal Register/Vol.79, No. 95/Friday, May 16, 2014, announced corrections to the 2014 shorebased trawl allocations for several species in the shorebased trawl allocation table; this correcting amendment is effective May 15, 2014.

(8) Notwithstanding the regulations defined in section (1) of this rule, the National Marine Fisheries Service, by means of Federal Register/Vol.79, No. 143/Friday, July 25, 2014, announced inseason actions effective July 25, 2014, including but not limited to changes to limited entry fixed gear and open access fixed gear sablefish DTL fishery trip limits for periods 4, 5, and 6, 2014.

[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; 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; DFW 109-2014(Temp), f. & cert. ef. 8-4-14 thru 12-31-14

Rule Caption: Oregon Coastal Zone Sport Salmon Fisheries.

Adm. Order No.: DFW 110-2014

Filed with Sec. of State: 8-4-2014

Certified to be Effective: 8-4-14

Notice Publication Date: 7-1-2014

Rules Amended: 635-014-0090, 635-016-0090

Subject: Amend rules relating to sport fishing for Chinook and coho salmon in the Northwest and Southwest zones consistent with guidelines established by the Oregon Fish and Wildlife Commission and Pacific Fishery Management Council; and recently enacted Federal Regulation changes. Housekeeping and technical corrections to the regulations were made to ensure rule consistency.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-014-0090

Inclusions and Modifications

(1) The 2014 Oregon Sport Fishing Regulations provide requirements for the Northwest 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 pamphlet.

(2) Notwithstanding all other requirements provided in the 2014 Oregon Sport Fishing Regulations pamphlet, the following additional rules apply to adult salmon angling in waters of the Northwest Zone:

(a) All waters of the Necanicum River Basin, Nehalem River Basin (including North Fork), Tillamook Bay Basin, (including the Miami, Kilchis, Wilson, Trask, and Tillamook rivers), the Nestucca River Basin (including the Little Nestucca and Three Rivers) and Salmon River, that are open for Chinook salmon are limited to no more than 2 adult non fin-clipped Chinook salmon per day, and 10 adult non fin-clipped Chinook salmon in the seasonal aggregate when combined with all other waters in the Northwest Zone with a 10 adult non fin-clipped Chinook salmon seasonal aggregate limit. Seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between August 1 and December 31 except in the Nehalem Basin where the seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between July 1 and December 31.

(b) Within the Nehalem River Basin (including the North Fork) the following additional rules apply:

(A) Mainstem closed to all salmon angling upstream of Foss Road (CC) Bridge (RM 15.5) July 1 through December 31.

(B) Nehalem Bay tidewater from the jetty tips upstream to Miami-Foley Bridge on South Fork and North Fork Road Bridge on the North Fork is open for non adipose fin-clipped coho salmon from September 15 through November 30.

(C) The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 1 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone with a 1 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Nestucca River and Tillamook Bay Basin).

(c) Within the Tillamook Bay Basin the following additional rules apply:

(A) Tillamook Bay tidewater from the jetty tips upstream to Highway 101 Bridge on Miami, Kilchis, Wilson, and Trask rivers and Burton Bridge on Tillamook River is open on Fridays and Saturdays only for non adipose fin-clipped coho salmon from September 19 through November 29.

(B) The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 1 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone with a 1 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Nestucca River and Nehalem River Basin).

(d) Within the Nestucca River Basin (including the Little Nestucca River and Three Rivers) the following rules apply:

(A) Mainstem Nestucca River upstream of First Bridge (RM 15.8) near Beaver closed to all salmon angling August 1 through December 31.

(B) Nestucca Bay tidewater (excluding Little Nestucca tidewater) from the bay mouth upstream to the Cloverdale Bridge (RM 7.1) is open on Sundays and Mondays only for non adipose fin-clipped coho salmon from September 15 through November 30.

(C) The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 1 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone with a 1 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Nehalem River and Tillamook Bay Basin).

(e) Within the Siletz River Basin the following additional rules apply:

(A) Mainstem and tributaries above an ODFW marker sign approximately 1,200 feet upstream of Ojalla Bridge (RM 31) closed to Chinook August 1-October 6; mainstem and tributaries above Illahee Boat Ramp closed October 7-December 31; Drift Creek (Siletz River Basin) upstream of the confluence with Quarry Creek at RM 8 is closed for Chinook salmon from August 1 through December 31;

(B) Siletz River and Bay upstream to an ODFW marker sign approximately 1,200 feet upstream of Ojalla Bridge (RM 31) is open for non adipose fin-clipped coho salmon from September 15 through October 6; Siletz River and Bay upstream to Illahee Boat Ramp is open for non adipose fin-clipped coho salmon from October 7-November 30; and

(C) The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 2 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Yaquina River, Alsea River, Siuslaw River, Umpqua River, Beaver Creek (Ona Beach), Floras Creek/New River, Coos River, and Coquille River).

(f) Within the Yaquina River Basin the following additional rules apply:

(A) All waters of the Yaquina River upstream of the confluence of the Yaquina River and Big Elk Creek at RM 18.3 and all waters of Big Elk Creek (Yaquina River Basin) are closed for Chinook salmon from August 1 through December 31;

(B) The Yaquina River and Bay upstream to the confluence of the Yaquina River and Big Elk Creek are open for non adipose fin-clipped coho salmon from September 15 through November 30; and

(C) The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 2 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Siletz River, Alsea River, Siuslaw River, Umpqua River, Beaver Creek (Ona Beach), Floras Creek/New River, Coos River, and Coquille River).

(g) Within the Alsea River Basin the following additional rules apply:

(A) All waters of Drift Creek (Alsea River Basin) within the Drift Creek Wilderness Area (River Mile 11) and upstream are closed for Chinook salmon from August 1 through December 31;

(B) All waters of Five Rivers are closed for Chinook salmon from August 1 through December 31.

(C) The Alsea River and Bay upstream to the USFS River Edge Boat Landing are open for non adipose fin-clipped coho salmon from September 15 through November 30; and

(D) The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 2 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon sea-

ADMINISTRATIVE RULES

sonal aggregate limit (Siletz River, Yaquina River, Siuslaw River, Umpqua River, Beaver Creek (Ona Beach), Floras Creek/New River, Coos River, and Coquille River).

(h) Within the Siuslaw River Basin the following additional rules apply:

(A) All waters of the Siuslaw River upstream of the confluence with Lake Creek at RM 30.0 are closed for Chinook salmon from August 1 through December 31;

(B) All waters of Lake Creek are closed for Chinook salmon August 1 through October 15 and all waters of Lake Creek upstream from the mouth of Indian Creek (RM 2.5) and downstream of Fish Creek (RM 17) are closed for angling for Chinook salmon the entire year and closed to all angling from September 1 through November 30;

(C) The Siuslaw River and Bay upstream to the confluence of the Siuslaw River with Lake Creek is open for non adipose fin-clipped coho salmon from September 15 through November 30; and

(D) Lake Creek upstream to the mouth of Indian Creek (RM 2.5) is open to non adipose fin-clipped coho salmon from October 16 through November 30;

(E) The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 2 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Yaquina River, Alsea River, Siletz River, Umpqua River, Beaver Creek (Ona Beach), Floras Creek/New River, Coos River, and Coquille River).

(i) Beaver Creek (at Ona Beach between Newport and Waldport) from footbridge west of Highway 101 upstream to the power line crossing near the confluence of South Fork Beaver Creek (Ona Beach) open for non adipose fin-clipped coho salmon from November 1-30 or until attainment of an adult coho quota of 150 fish. The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 2 non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Siletz River, Yaquina River, Alsea River, Siuslaw River, Umpqua River, Floras Creek/New River, Coos River, and Coquille River).

(3) Effective January 1, 2013, the use of barbless hooks is required when angling for salmon, steelhead, or trout in the following areas:

(a) Within the Youngs Bay Select Area (Clatsop County) from the Highway 101 Bridge upstream to markers at the confluence of the Youngs and Klaskanine rivers including the lower Lewis and Clark River upstream to the Alternate Highway 101 Bridge, and the lower Walluski River upstream to the Highway 202 Bridge.

(b) In Gnat Creek (Clatsop County) from the railroad bridge upstream to the Aldrich Point Road Bridge.

(4) Effective January 1, 2013, the annual bag limit for white sturgeon is one (1) fish. Effective April 1, 2013, the annual bag and possession limit for white sturgeon is two (2) fish. Catch-and-release angling for white sturgeon is allowed year-round. Effective January 1, 2014, all waters within the Northwest Zone are closed to the retention of white sturgeon and catch-and-release angling is allowed year-round.

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

Stats. Implemented: ORS 496.004, 496.009, 496.162 & 506.129

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 21-1994(Temp), f. 4-22-94, cert. ef. 4-25-94; FWC 31-1994, f. 5-26-94, cert. ef. 6-20-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 28-1995(Temp), f. 3-31-95, cert. ef. 5-1-95; FWC 34-1995, f. & cert. ef. 5-1-95; FWC 39-1995, f. 5-10-95, cert. ef. 5-12-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 19-1996, f. & cert. ef. 5-16-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 29-1996, f. & cert. ef. 5-31-96; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 55-1996(Temp), f. 9-25-96, cert. ef. 10-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 73-1996(Temp), f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 30-1997, f. & cert. ef. 5-5-97; FWC 58-1997, f. 9-8-97, cert. ef. 10-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 12-1998(Temp), f. & cert. ef. 2-24-98 through 4-24-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 69-1998, f. 8-28-98, cert. ef. 9-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 36-1999, f. & cert. ef. 5-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 24-2000, f. 4-28-00, cert. ef. 5-1-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 40-2001(Temp) f. & cert. ef. 5-24-01 thru 11-20-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 81-2001, f. & cert. ef. 8-29-01; DFW 85-2001(Temp), f. & cert. ef. 8-30-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 123-2001, f. 11-21-02, cert. ef. 1-1-02; DFW 5-2002(Temp) f. 1-11-02 cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 91-2002(Temp) f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 118-2002(Temp), f. 10-22-02, cert. ef. 12-1-02 thru 3-31-03; DFW 120-2002(Temp), f. 10-24-02, cert. ef. 10-26-02 thru 3-31-03; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 18-2003(Temp) f. 2-28-03, cert. ef. 3-1-03 thru 4-30-03; DFW 38-2003(Temp), f. 5-7-03, cert. ef. 5-10-03 thru 10-31-03; DFW 51-2003(Temp), f. & cert. ef. 6-13-03 thru 10-31-03; DFW 90-2003(Temp), f. 9-12-03 cert. ef. 9-13-03 thru 12-31-03; DFW 108-2003(Temp), f. 10-28-03, cert. ef. 12-1-03 thru 3-31-04; DFW 123-2003(Temp),

f. 12-10-03, cert. ef. 12-11-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 126-2003(Temp), f. 12-11-03, cert. ef. 1-1-04 thru 3-31-04; DFW 60-2004(Temp), f. 6-29-04, cert. ef. 7-1-04 thru 7-15-04; DFW 90-2004(Temp), f. 8-30-04, cert. ef. 10-1-04 thru 12-31-04; DFW 103-2004(Temp), f. & cert. ef. 10-4-04 thru 12-31-04; DFW 108-2004(Temp), f. & cert. ef. 10-18-04 thru 12-31-04; DFW 111-2004(Temp), f. 11-16-04, cert. ef. 11-20-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 62-2005(Temp), f. 6-29-05, cert. ef. 7-1-05 thru 7-10-05; Administrative correction 7-20-05; DFW 105-2005(Temp), f. 9-12-05, cert. ef. 10-1-05 thru 12-15-05; DFW 127-2005(Temp), f. & cert. ef. 11-23-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 53-2006(Temp), f. 6-29-06, cert. ef. 7-1-06 thru 7-9-06; Administrative correction 7-20-06; DFW 64-2006(Temp), f. 7-17-06, cert. ef. 8-1-06 thru 12-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 104-2006(Temp), f. 9-19-06, cert. ef. 10-1-06 thru 12-31-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 63-2007(Temp), f. 8-6-07, cert. ef. 8-11-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 25-2008(Temp), f. 3-13-08, cert. ef. 3-15-08 thru 9-10-08; DFW 67-2008(Temp), f. 6-20-08, cert. ef. 8-1-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 43-2009(Temp), f. 5-5-09, cert. ef. 5-22-09 thru 10-31-09; DFW 67-2009(Temp), f. 6-9-09, cert. ef. 6-15-09 thru 10-31-09; DFW 87-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 99-2009(Temp), f. 8-26-09, cert. ef. 9-1-09 thru 12-31-09; DFW 115-2009(Temp), f. & cert. ef. 9-22-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 44-2010(Temp), f. 4-20-10, cert. ef. 4-21-10 thru 9-30-10; DFW 73-2010(Temp), f. 5-27-10, cert. ef. 6-1-10 thru 9-30-10; DFW 76-2010, f. 6-8-10, cert. ef. 8-1-10; DFW 89-2010(Temp), f. 6-28-10, cert. ef. 7-1-10 thru 9-30-10; Administrative correction 10-26-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 57-2011(Temp), f. 5-27-11, cert. ef. 6-1-11 thru 6-30-11; DFW 83-2011, f. 6-30-11, cert. ef. 7-1-11; DFW 139-2011(Temp), f. 10-3-11, cert. ef. 10-6-11 thru 12-31-11; DFW 141-2011(Temp), f. 10-6-11, cert. ef. 10-10-11 thru 12-31-11; DFW 143-2011(Temp), f. 10-10-11, cert. ef. 10-11-11 thru 12-31-11; DFW 148-2011(Temp), f. 10-20-11, cert. ef. 10-21-11 thru 12-31-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 53-2012(Temp), f. 5-29-12, cert. ef. 6-1-12 thru 10-31-12; DFW 62-2012, f. 6-12-12, cert. ef. 7-1-12; DFW 63-2012(Temp), f. & cert. ef. 6-12-12 thru 10-31-12; DFW 71-2012(Temp), f. 6-27-12, cert. ef. 7-1-12 thru 11-30-12; DFW 130-2012(Temp), f. 10-10-12, cert. ef. 10-13-12 thru 12-31-12; DFW 135-2012(Temp), f. 10-22-12, cert. ef. 10-24-12 thru 12-31-12; DFW 139-2012(Temp), f. 10-30-12, cert. ef. 10-31-12 thru 12-31-12; DFW 152-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 23-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-27-13; DFW 43-2013(Temp), f. 5-29-13, cert. ef. 6-1-13 thru 10-31-13; DFW 50-2013, f. 6-10-13, cert. ef. 7-1-13; DFW 60-2013(Temp), f. 6-24-13, cert. ef. 6-30-13 thru 9-30-13; Administrative correction 11-1-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 74-2014(Temp), f. 6-23-14, cert. ef. 6-30-14 thru 9-30-14; DFW 110-2014, f. & cert. ef. 8-4-14

635-016-0090

Inclusions and Modifications

(1) The 2014 Oregon Sport Fishing Regulations provide requirements for the Southwest 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 requirements provided in the 2014 Oregon Sport Fishing Regulations, the following restrictions apply to angling in waters of the Southwest Zone:

(a) Within the Umpqua River Basin the following additional rules apply: Open for non adipose fin-clipped coho salmon in the Mainstem Umpqua River and Bay from the mouth to Scottsburg Bridge at RM 27.5 from September 15 through the earlier of November 30 or attainment of an adult coho quota of 2,000 non adipose fin-clipped coho. The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho per day, and no more than 2 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Siletz River, Yaquina River, Alsea River, Siuslaw River, Beaver Creek (Ona Beach), Floras Creek/New River, Coos River, and Coquille River).

(b) Within the Coos River Basin the following additional rules apply:

(A) All waters of the South Fork Coos River upstream from the head of tidewater at Dellwood at RM 10.0 are closed for all salmon angling from August 1 through December 31 and closed for steelhead from August 1 through November 14; and

(B) Open for non adipose fin-clipped coho salmon upstream to the head of tide at Dellwood at RM 10.0 on the South Coos River and to the East Fork/West Fork Millicoma confluence from September 15 through November 30. The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 2 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Siletz River, Umpqua River, Yaquina River, Alsea River, Siuslaw River, Beaver Creek (Ona Beach), Floras Creek/New River, and Coquille River).

(c) Within the Coquille River Basin the following additional rules apply: Open for non adipose fin-clipped coho salmon in Coquille River and Bay upstream to the Highway 42S bridge (Sturdivant Park) at RM 24.0 from September 15 through November 30. The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 2 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non

ADMINISTRATIVE RULES

adipose fin-clipped coho salmon seasonal aggregate limit (Siletz River, Umpqua River, Yaquina River, Alsea River, Siuslaw River, Beaver Creek (Ona Beach), Floras Creek/New River, and Coos River).

(d) Within the Tenmile Lakes Basin the following additional rules apply: North and South Tenmile Lakes (Coos County) upstream from Hilltop Bridge are open for non adipose fin-clipped coho salmon from October 1 through December 31. The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon, and no more than 5 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone. Only 1 rod per angler may be used while angling for coho. Streams that empty into North and South Tenmile Lakes are not open to coho salmon angling, nor is the canal that connects North and South Tenmile Lakes.

(e) Within the Floras Creek/New River Basin the following additional rules apply:

(A) All waters of Floras Creek/New River Basin that are open for Chinook salmon are limited to no more than 1 adult non fin-clipped Chinook salmon per day and 10 adult non fin-clipped Chinook salmon in the seasonal aggregate when combined with waters of the Sixes River, Elk River, and Elk River Ocean Terminal Area. Seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between August 1 and December 31; and

(B) Floras Creek/New River from the Bureau of Land Management boat ramp at Storm Ranch upstream to the confluence with the Floras Lake outlet open for non adipose fin-clipped coho salmon from November 1–30 or until attainment of an adult coho quota of 200 fish. The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon, and no more than 2 adult non adipose fin-clipped salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho seasonal aggregate limit (Siletz River, Yaquina River, Beaver Creek (Ona Beach), Alsea River, Siuslaw River, Umpqua River, Coos River, and Coquille River).

(f) Within the Sixes River Basin the following additional rules apply: All waters of the Sixes River Basin that are open for Chinook salmon are limited to no more than 1 adult non fin-clipped Chinook salmon per day and 10 adult non fin-clipped Chinook salmon in the seasonal aggregate when combined with waters of Floras Creek/New River, Elk River and Elk River Ocean Terminal Area. Seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between August 1 and December 31.

(g) Within the Elk River Basin the following additional rules apply: All waters of the Elk River Basin that are open for Chinook salmon are limited to no more than 1 adult non fin-clipped Chinook salmon per day and 10 adult non fin-clipped Chinook salmon in the seasonal aggregate when combined with waters of Floras Creek/New River, Sixes River and Elk River Ocean Terminal Area. Seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between August 1 and December 31.

(h) Within the Chetco River Basin the following additional rules apply:

(A) All waters of the Chetco River Basin that are open for Chinook salmon are limited to no more than 1 adult non fin-clipped Chinook salmon per day and 5 adult non fin-clipped Chinook salmon in total between September 1 and December 31; and

(B) From the powerline crossing at RM 2.2 upstream to Nook Creek (RM 14) from September 1 through November 3 angling is restricted to fly angling and bobber angling only with 1 single point hook. Fly angling gear must include a strike indicator. Bobber angling gear must include a bobber and a leader no longer than 36 inches in length. Any weight (except the bobber or strike indicator) may be no more than 36 inches from the hook when suspended vertically. The leader below the bobber or strike indicator must remain suspended in the water column and not resting on the river bottom.

(i) All waters of the Winchuck River mainstem, including tidewater, are closed to angling from August 1 through December 31.

(3) Effective April 1, 2013, the annual bag and possession limit for white sturgeon is two (2) fish and catch-and-release angling for white sturgeon is allowed year-round. Effective January 1, 2014, all waters within the Southwest Zone are closed to the retention of white sturgeon and catch-and-release angling is allowed year-round.

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

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

Stats. Implemented: ORS 496.004, 496.009, 496.162 & 506.129

Hist.: FWC 80-1993(Temp), f. 12-21-93, cert. ef. 1-1-94; FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 31-1994, f. 5-26-94, cert. ef. 6-20-94; FWC 79-1994(Temp), f. 10-21-94, cert. ef. 7-22-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 34-1995, f. & cert. ef. 5-1-95; FWC 57-1995(Temp), f. 7-3-95, cert. ef. 7-4-95; FWC 59-1995(Temp), f. 7-24-95, cert. ef.

8-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 82-1995(Temp), f. 9-29-95, cert. ef. 10-1-95; FWC 90-1995(Temp), f. 11-29-95, cert. ef. 1-1-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 52-1996, f. & cert. ef. 9-11-96; FWC 61-1996, f. & cert. ef. 10-9-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 73-1996(Temp), f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 17-1997(Temp), f. 3-19-97, cert. ef. 4-1-97; FWC 32-1997(Temp), f. & cert. ef. 5-23-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 24-1998(Temp), f. & cert. ef. 3-25-98 thru 9-15-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 52-1998(Temp), f. 7-10-98, cert. ef. 7-11-98 thru 7-24-98; DFW 55-1998(Temp), f. & cert. ef. 7-24-98 thru 12-31-98; DFW 70-1998, f. & cert. ef. 8-28-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 36-1999, f. & cert. ef. 5-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 48-2000(Temp), f. 8-14-00, cert. ef. 8-15-00 thru 12-31-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 8-2001, f. & cert. ef. 3-5-01; DFW 40-2001(Temp) f. & cert. ef. 5-24-01 thru 11-20-01; DFW 42-2001(Temp), f. 5-25-01, cert. ef. 5-29-01 thru 7-31-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 97-2001(Temp), f. 10-4-01, cert. ef. 11-1-01 thru 12-31-01; DFW 105-2001(Temp), f. 10-26-01, cert. ef. 11-1-01 thru 12-31-01; DFW 122-2001(Temp), f. & cert. ef. 12-31-01 thru 5-31-02; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp) f. 1-11-02 cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 55-2002(Temp), f. 5-28-02, cert. ef. 7-1-02 thru 11-31-02; DFW 91-2002(Temp) f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 124-2002(Temp), f. & cert. ef. 10-30-02 thru 12-31-02 (Suspended by DFW 125-2002(Temp), f. 11-8-02, cert. ef. 11-9-2002); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 90-2003(Temp), f. 9-12-03 cert. ef. 9-13-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 127-2004, f. 12-22-04, cert. ef. 1-1-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 24-2006(Temp), f. 4-25-06, cert. ef. 5-13-06 thru 10-31-06; DFW 37-2006(Temp), f. 6-2-06, cert. ef. 6-5-06 thru 12-1-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 47-2007(Temp), f. 6-18-07, cert. ef. 6-21-07 thru 10-31-07; DFW 56-2007(Temp), 7-6-07, cert. ef. 8-1-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 137-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 54-2008(Temp), f. 5-28-08, cert. ef. 6-1-08 thru 7-31-08; DFW 67-2008(Temp), f. 6-20-08, cert. ef. 8-1-08 thru 12-31-08; DFW 138-2008(Temp), f. 10-28-08, cert. ef. 11-1-08 thru 11-30-08; DFW 140-2008(Temp), f. 11-4-08, cert. ef. 11-5-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 57-2009(Temp), f. 5-27-09, cert. ef. 6-1-09 thru 7-31-09; DFW 77-2009(Temp), f. 6-29-09, cert. ef. 7-1-09 thru 7-31-09; DFW 87-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 113-2009(Temp), f. & cert. ef. 9-18-09 thru 12-31-09; DFW 141-2009(Temp), f. 11-4-09, cert. ef. 11-7-09 thru 12-21-09; DFW 143-2009(Temp), f. 11-17-09, cert. ef. 11-19-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 65-2010(Temp), f. 5-18-10, cert. ef. 5-22-10 thru 5-31-10; DFW 76-2010, f. 6-8-10, cert. ef. 8-1-10; DFW 143-2010(Temp), f. 10-8-10, cert. ef. 10-10-10 thru 12-31-10; DFW 152-2010(Temp), f. 10-27-10, cert. ef. 10-30-10 thru 12-31-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 31-2011(Temp), f. 4-18-11, cert. ef. 5-1-11 thru 10-27-11; DFW 83-2011, f. 6-30-11, cert. ef. 7-1-11; DFW 137-2011(Temp), 9-30-11, cert. ef. 10-1-11 thru 12-31-11; DFW 145-2011(Temp), f. 10-11-11, cert. ef. 10-12-11 thru 12-31-11; DFW 149-2011(Temp), f. 10-20-11, cert. ef. 10-22-11 thru 12-31-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 62-2012, f. 6-12-12, cert. ef. 7-1-12; DFW 138-2012(Temp), f. 10-29-12, cert. ef. 10-31-12 thru 12-31-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 155-2012(Temp), f. 12-28-12, cert. ef. 1-1-13 thru 6-29-13; DFW 23-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-27-13; DFW 50-2013, f. 6-10-13, cert. ef. 7-1-13; DFW 124-2013(Temp), f. 10-29-13, cert. ef. 11-1-13 thru 12-31-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 110-2014, f. & cert. ef. 8-4-14

Rule Caption: Three Rivers Angling Regulations Modified.

Adm. Order No.: DFW 111-2014(Temp)

Filed with Sec. of State: 8-4-2014

Certified to be Effective: 8-4-14 thru 9-30-14

Notice Publication Date:

Rules Amended: 635-014-0090

Rules Suspended: 635-014-0090(T)

Subject: This amended rule includes modifications to the permanent rule which were recently adopted by the Oregon Fish and Wildlife Commission at its August 1, 2014 hearing. These necessary modifications were not included in the previous temporary rule.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-014-0090

Inclusions and Modifications

(1) The **2014 Oregon Sport Fishing Regulations** provide requirements for the Northwest 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** pamphlet.

(2) Notwithstanding all other requirements provided in the 2014 Oregon Sport Fishing Regulations pamphlet, the following additional rules apply to adult salmon angling in waters of the Northwest Zone:

(a) All waters of the Necanicum River Basin, Nehalem River Basin (including North Fork), Tillamook Bay Basin, (including the Miami, Kilchis, Wilson, Trask, and Tillamook rivers), the Nestucca River Basin (including the Little Nestucca) and Salmon River, that are open for Chinook salmon are limited to no more than 2 adult non fin-clipped Chinook salmon per day, and 10 adult non fin-clipped Chinook salmon in the seasonal aggregate when combined with all other waters in the Northwest Zone with a 10 adult non fin-clipped Chinook salmon seasonal aggregate limit. Seasonal aggregate applies to all adult non fin-clipped

ADMINISTRATIVE RULES

Chinook salmon retained between August 1 and December 31 except in the Nehalem Basin where the seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between July 1 and December 31.

(b) Three Rivers (Nestucca Basin, Tillamook/Yamhill Co.) mainstem:

(A) Open for adipose fin-clipped steelhead all year. Open for adipose fin-clipped spring Chinook salmon April 1-July 15;

(B) Closed from mouth upstream to hatchery weir deadline July 16–Sept. 30;

(C) From May 1-July 15, use of leaders longer than 36 inches is prohibited. Hooks are limited to no more than one single point, size 3/8-inch gap width (approximately size #2) or smaller hook; and

(D) All other requirements provided on page 34 and 35 of the 2014 Oregon Sport Fishing Regulations pamphlet apply.

(c) Within the Nehalem River Basin (including the North Fork) the following additional rules apply:

(A) Mainstem closed to all salmon angling upstream of Foss Road (CC) Bridge (RM 15.5) July 1 through December 31.

(B) Nehalem Bay tidewater from the jetty tips upstream to Miami-Foley Bridge on South Fork and North Fork Road Bridge on the North Fork is open for non adipose fin-clipped coho salmon from September 15 through November 30.

(C) The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 1 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone with a 1 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Nestucca River and Tillamook Bay Basin).

(d) Within the Tillamook Bay Basin the following additional rules apply:

(A) Tillamook Bay tidewater from the jetty tips upstream to Highway 101 Bridge on Miami, Kilchis, Wilson, and Trask rivers and Burton Bridge on Tillamook River is open on Fridays and Saturdays only for non adipose fin-clipped coho salmon from September 19 through November 29.

(B) The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 1 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone with a 1 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Nestucca River and Nehalem River Basin).

(e) Within the Nestucca River Basin (including the Little Nestucca River and Three Rivers) the following rules apply:

(A) Mainstem Nestucca River upstream of First Bridge (RM 15.8) near Beaver closed to all salmon angling August 1 through December 31.

(B) Nestucca Bay tidewater (excluding Little Nestucca tidewater) from the bay mouth upstream to the Cloverdale Bridge (RM 7.1) is open on Sundays and Mondays only for non adipose fin-clipped coho salmon from September 15 through November 30.

(C) The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 1 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone with a 1 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Nehalem River and Tillamook Bay Basin).

(f) Within the Siletz River Basin the following additional rules apply:

(A) Mainstem and tributaries above an ODFW marker sign approximately 1,200 feet upstream of Ojalla Bridge (RM 31) closed to Chinook August 1–October 6; mainstem and tributaries above Illahee Boat Ramp closed October 7–December 31; Drift Creek (Siletz River Basin) upstream of the confluence with Quarry Creek at RM 8 is closed for Chinook salmon from August 1 through December 31;

(B) Siletz River and Bay upstream to an ODFW marker sign approximately 1,200 feet upstream of Ojalla Bridge (RM 31) is open for non adipose fin-clipped coho salmon from September 15 through October 6; Siletz River and Bay upstream to Illahee Boat Ramp is open for non adipose fin-clipped coho salmon from October 7–November 30; and

(C) The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 2 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Yaquina River, Alsea River, Siuslaw River, Umpqua River, Beaver Creek (Ona Beach), Floras Creek/New River, Coos River, and Coquille River).

(g) Within the Yaquina River Basin the following additional rules apply:

(A) All waters of the Yaquina River upstream of the confluence of the Yaquina River and Big Elk Creek at RM 18.3 and all waters of Big Elk Creek (Yaquina River Basin) are closed for Chinook salmon from August 1 through December 31;

(B) The Yaquina River and Bay upstream to the confluence of the Yaquina River and Big Elk Creek are open for non adipose fin-clipped coho salmon from September 15 through November 30; and

(C) The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 2 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Siletz River, Alsea River, Siuslaw River, Umpqua River, Beaver Creek (Ona Beach), Floras Creek/New River, Coos River, and Coquille River).

(h) Within the Alsea River Basin the following additional rules apply:

(A) All waters of Drift Creek (Alsea River Basin) within the Drift Creek Wilderness Area (River Mile 11) and upstream are closed for Chinook salmon from August 1 through December 31;

(B) All waters of Five Rivers are closed for Chinook salmon from August 1 through December 31.

(C) The Alsea River and Bay upstream to the USFS River Edge Boat Landing are open for non adipose fin-clipped coho salmon from September 15 through November 30; and

(D) The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 2 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Siletz River, Yaquina River, Siuslaw River, Umpqua River, Beaver Creek (Ona Beach), Floras Creek/New River, Coos River, and Coquille River).

(i) Within the Siuslaw River Basin the following additional rules apply:

(A) All waters of the Siuslaw River upstream of the confluence with Lake Creek at RM 30.0 are closed for Chinook salmon from August 1 through December 31;

(B) All waters of Lake Creek are closed for Chinook salmon August 1 through October 15 and all waters of Lake Creek upstream from the mouth of Indian Creek (RM 2.5) and downstream of Fish Creek (RM 17) are closed for angling for Chinook salmon the entire year and closed to all angling from September 1 through November 30;

(C) The Siuslaw River and Bay upstream to the confluence of the Siuslaw River with Lake Creek is open for non adipose fin-clipped coho salmon from September 15 through November 30; and

(D) Lake Creek upstream to the mouth of Indian Creek (RM 2.5) is open to non adipose fin-clipped coho salmon from October 16 through November 30;

(E) The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 2 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Yaquina River, Alsea River, Siletz River, Umpqua River, Beaver Creek (Ona Beach), Floras Creek/New River, Coos River, and Coquille River).

(j) Beaver Creek (at Ona Beach between Newport and Waldport) from footbridge west of Highway 101 upstream to the power line crossing near the the confluence of South Fork Beaver Creek (Ona Beach) open for non adipose fin-clipped coho salmon from November 1-30 or until attainment of an adult coho quota of 150 fish. The daily catch limit may include 1 adult non adipose fin-clipped coho salmon per day and 1 non adipose fin-clipped jack coho salmon per day, and no more than 2 non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho season aggregate limit (Siletz River, Yaquina River, Alsea River, Siuslaw River, Umpqua River, Floras Creek/New River, Coos River, and Coquille River).

(3) Effective January 1, 2013, the use of barbless hooks is required when angling for salmon, steelhead, or trout in the following areas:

(a) Within the Youngs Bay Select Area (Clatsop County) from the Highway 101 Bridge upstream to markers at the confluence of the Youngs and Klaskanine rivers including the lower Lewis and Clark River upstream to the Alternate Highway 101 Bridge, and the lower Walluski River upstream to the Highway 202 Bridge.

ADMINISTRATIVE RULES

(b) In Gnat Creek (Clatsop County) from the railroad bridge upstream to the Aldrich Point Road Bridge.

(4) Beginning January 1, 2014, all waters within the Northwest Zone are closed to the retention of white sturgeon and catch-and-release angling is allowed year-round.

Stat. Auth.: ORS 496.138, 496.146, 497.121 & 506.119
Stats. Implemented: ORS 496.004, 496.009, 496.162 & 506.129
Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 21-1994(Temp), f. 4-22-94, cert. ef. 4-25-94; FWC 31-1994, f. 5-26-94, cert. ef. 6-20-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 28-1995(Temp), f. 3-31-95, cert. ef. 5-1-95; FWC 34-1995, f. & cert. ef. 5-1-95; FWC 39-1995, f. 5-10-95, cert. ef. 5-12-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 19-1996, f. & cert. ef. 5-16-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 29-1996, f. & cert. ef. 5-31-96; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 55-1996(Temp), f. 9-25-96, cert. ef. 10-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 73-1996(Temp), f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 30-1997, f. & cert. ef. 5-5-97; FWC 58-1997, f. 9-8-97, cert. ef. 10-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 12-1998(Temp), f. & cert. ef. 2-24-98 thru 4-24-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 69-1998, f. 8-28-98, cert. ef. 9-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 36-1999, f. & cert. ef. 5-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 24-2000, f. 4-28-00, cert. ef. 5-1-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 81-2001, f. & cert. ef. 8-29-01; DFW 85-2001(Temp), f. & cert. ef. 8-30-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp), f. 1-11-02 cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 118-2002(Temp), f. 10-22-02, cert. ef. 12-1-02 thru 3-31-03; DFW 120-2002(Temp), f. 10-24-02, cert. ef. 10-26-02 thru 3-31-03; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 18-2003(Temp), f. 2-28-03, cert. ef. 3-1-03 thru 4-30-03; DFW 38-2003(Temp), f. 5-7-03, cert. ef. 5-10-03 thru 10-31-03; DFW 51-2003(Temp), f. & cert. ef. 6-13-03 thru 10-31-03; DFW 90-2003(Temp), f. 9-12-03 cert. ef. 9-13-03 thru 12-31-03; DFW 108-2003(Temp), f. 10-28-03, cert. ef. 12-1-03 thru 3-31-04; DFW 123-2003(Temp), f. 12-10-03, cert. ef. 12-11-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 126-2003(Temp), f. 12-11-03, cert. ef. 1-1-04 thru 3-31-04; DFW 60-2004(Temp), f. 6-29-04, cert. ef. 7-1-04 thru 7-15-04; DFW 90-2004(Temp), f. 8-30-04, cert. ef. 10-1-04 thru 12-31-04; DFW 103-2004(Temp), f. & cert. ef. 10-4-04 thru 12-31-04; DFW 108-2004(Temp), f. & cert. ef. 10-18-04 thru 12-31-04; DFW 111-2004(Temp), f. 11-16-04, cert. ef. 11-20-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 62-2005(Temp), f. 6-29-05, cert. ef. 7-1-05 thru 7-10-05; Administrative correction 7-20-05; DFW 105-2005(Temp), f. 9-12-05, cert. ef. 10-1-05 thru 12-15-05; DFW 127-2005(Temp), f. & cert. ef. 11-23-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 53-2006(Temp), f. 6-29-06, cert. ef. 7-1-06 thru 7-9-06; Administrative correction 7-20-06; DFW 64-2006(Temp), f. 7-17-06, cert. ef. 8-1-06 thru 12-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 104-2006(Temp), f. 9-19-06, cert. ef. 10-1-06 thru 12-31-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 63-2007(Temp), f. 8-6-07, cert. ef. 8-11-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 25-2008(Temp), f. 3-13-08, cert. ef. 3-15-08 thru 9-10-08; DFW 67-2008(Temp), f. 6-20-08, cert. ef. 8-1-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 43-2009(Temp), f. 5-5-09, cert. ef. 5-22-09 thru 10-31-09; DFW 67-2009(Temp), f. 6-9-09, cert. ef. 6-15-09 thru 10-31-09; DFW 87-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 99-2009(Temp), f. 8-26-09, cert. ef. 9-1-09 thru 12-31-09; DFW 115-2009(Temp), f. & cert. ef. 9-22-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 44-2010(Temp), f. 4-20-10, cert. ef. 4-21-10 thru 9-30-10; DFW 73-2010(Temp), f. 5-27-10, cert. ef. 6-1-10 thru 9-30-10; DFW 76-2010, f. 6-8-10, cert. ef. 8-1-10; DFW 89-2010(Temp), f. 6-28-10, cert. ef. 7-1-10 thru 9-30-10; Administrative correction 10-26-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 57-2011(Temp), f. 5-27-11, cert. ef. 6-1-11 thru 6-30-11; DFW 83-2011, f. 6-30-11, cert. ef. 7-1-11; DFW 139-2011(Temp), f. 10-3-11, cert. ef. 10-6-11 thru 12-31-11; DFW 141-2011(Temp), f. 10-6-11, cert. ef. 10-10-11 thru 12-31-11; DFW 143-2011(Temp), f. 10-10-11, cert. ef. 10-11-11 thru 12-31-11; DFW 148-2011(Temp), f. 10-20-11, cert. ef. 10-21-11 thru 12-31-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 53-2012(Temp), f. 5-29-12, cert. ef. 6-1-12 thru 10-31-12; DFW 62-2012, f. 6-12-12, cert. ef. 7-1-12; DFW 63-2012(Temp), f. & cert. ef. 6-12-12 thru 10-31-12; DFW 71-2012(Temp), f. 6-27-12, cert. ef. 7-1-12 thru 11-30-12; DFW 130-2012(Temp), f. 10-10-12, cert. ef. 10-13-12 thru 12-31-12; DFW 135-2012(Temp), f. 10-22-12, cert. ef. 10-24-12 thru 12-31-12; DFW 139-2012(Temp), f. 10-30-12, cert. ef. 10-31-12 thru 12-31-12; DFW 152-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 23-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-27-13; DFW 43-2013(Temp), f. 5-29-13, cert. ef. 6-1-13 thru 10-31-13; DFW 50-2013, f. 6-10-13, cert. ef. 7-1-13; DFW 60-2013(Temp), f. 6-24-13, cert. ef. 6-30-13 thru 9-30-13; Administrative correction 11-1-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 74-2014(Temp), f. 6-23-14, cert. ef. 6-30-14 thru 9-30-14; DFW 110-2014, f. & cert. ef. 8-4-14; DFW 111-2014(Temp), f. & cert. ef. 8-4-14 thru 9-30-14

.....

Rule Caption: Amendments Regarding Harvest of Game Birds, Season Dates, Open Areas and Bag Limits
Adm. Order No.: DFW 112-2014
Filed with Sec. of State: 8-4-2014
Certified to be Effective: 8-4-14
Notice Publication Date: 7-1-2014
Rules Amended: 635-045-0000, 635-051-0000, 635-051-0048, 635-052-0000, 635-053-0000, 635-054-0000, 635-060-0000
Subject: Amend rules regarding the harvest of game birds including 2014-2015 season dates, open areas, regulations, bag limits and 2015 upland game bird frameworks.
Rules Coordinator: Therese Kucera—(503) 947-6033

635-045-0000

Purpose

(1) The purpose of these rules is to list definitions pursuant to hunting seasons for big game and game birds.

(2) The documents entitled “2014–2015 Oregon Game Bird Regulations,” and “2014 Oregon Big Game Regulations”, are incorporated by reference into these rules. These documents are available at hunting license vendors and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

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

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 36-1988, f. & cert. ef. 6-13-88; FWC 47-1989, f. & cert. ef. 7-25-89; FWC 14-1990, f. & cert. ef. 2-2-90; FWC 91-1990, f. & cert. ef. 9-4-90; FWC 42-1996, f. & cert. ef. 8-12-96; FWC 53-1997, f. & cert. ef. 9-3-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 75-1998, f. & cert. ef. 9-4-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 127-2006, f. 12-7-06, cert. ef. 1-1-07; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 118-2007, f. 10-31-07, cert. ef. 1-1-08; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 150-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10; DFW 117-2010, f. & cert. ef. 8-13-10; DFW 140-2010(Temp), f. & cert. ef. 10-6-10 thru 12-31-10; Administrative correction 1-25-11; DFW 108-2011, f. & cert. ef. 8-5-11; DFW 103-2012, f. & cert. ef. 8-6-12; DFW 147-2012, f. 12-18-12, cert. ef. 1-1-13; DFW 85-2013, f. & cert. ef. 8-5-13; DFW 63-2014, f. & cert. ef. 6-10-14; DFW 112-2014, f. & cert. ef. 8-4-14

635-051-0000

Purpose

(1) The purpose of these rules is to establish dates, areas and other restrictions for hunting game birds pursuant to ORS Chapter 496.

(2) The document entitled “2014–2015 Oregon Game Bird Regulations,” is incorporated by reference into these rules.

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

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 8-1988, f. & cert. ef. 9-2-88; FWC 45-1997, f. & cert. ef. 8-13-97; FWC 53-1997, f. & cert. ef. 9-3-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 75-1998, f. & cert. ef. 9-4-98; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 84-2003(Temp), f. & cert. ef. 8-26-03 thru 2-20-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 117 2010, f. & cert. ef. 8-13-10; DFW 108-2011, f. & cert. ef. 8-5-11; DFW 103-2012, f. & cert. ef. 8-6-12; DFW 85-2013, f. & cert. ef. 8-5-13; DFW 112-2014, f. & cert. ef. 8-4-14

635-051-0048

Other Restrictions

Except as provided in section (1)(a), (b), (c), (2)–(6) of this rule, it is *unlawful*: To hunt within the corporate limits of any city or town, public park or cemetery, or on any campus or grounds of a public school, college, or university or from a public road, road right-of-way, or railroad right-of-way.

(1) Migratory game bird hunting is permitted within the city limits of Warrenton in the following described areas: Beginning at the north abutment of the west landing of the Lewis and Clark River Bridge (Alt HWY 101), NW ¼ Section 25, Township 8 Range 10 N, and continue along the city limits at the south edge of the Astoria Regional Airport, southward and westward along Alt HWY 101 following the city limits to the intersection of SE Airport Ln, then northward and westward following the city limits to their intersection with Adams Slough at a point approximately 375 feet north of Airport Lane (SE 12th Pl). Continue in a northerly meander along the western edge of Adams Slough to the Youngs River dike along the north edge of the airport. Left along the dike to Holbrook Slough and south along the eastern edge of Holbrook Slough to the abandoned railroad right of way. Westward along the abandoned railroad right of way to NE King Ave. North along NE King Ave continuing northward until its extension would intersect with the Skipanon Channel. Cross the Skipanon Channel and run northward along the water’s edge to the tip of the peninsula north of the lumber mill, then follow west and south along a line approximately 300 feet from the edge of high water to a tide gate on the dike north of the Warrenton Wastewater Treatment Plant. From here, continue northwesterly and northerly below the river side of the dike extending to Tansy point, then northwesterly through that part of the industrial facility north of Tansy Point to the river side of the highest bank and continuing northwest on the river side of a line defined by the extension of the Warrenton Riverside Trail culminating at the northwestern corner of the BioProducts plant property. From here, the waterborne boundary theoretically extends outward into the river approximately 2,200 feet to a point where it conforms with

ADMINISTRATIVE RULES

the city limits east and south to the point of beginning at the Lewis and Clark River Bridge. Beginning at a point in the SE ¼ Section 20, Township 8 Range approximately 80 feet south of the cul de sac of SE Kalmia Ave along the abandoned Wild Ace Lake Road in a southerly meander to the northern end of the southern extension of SE Juniper Ave. Then westerly 500 feet along the south property line of tax lot 810290000200 to the intersection of Delaura Beach Lane and Ridge Road. Continue north along the eastern edge of Ridge Rd 2,600 feet to the northern property line of said tax lot, thence eastward to the point of beginning south of the Kalmia Ave cul de sac. Beginning at the intersection of Alt HWY 101 (HWY 104 Spur) and SE Dolphin Ave., (NW ¼ Section 28, Township 8 Range 10N) continue south to Highway 101. Southeasterly along Highway 101 to the Skipanon River, and then in a northerly meander along the west bank of the Skipanon to the bridge at Alt HWY 101 (HWY 104 Spur) then east 650 feet to the point of beginning.

(2) Game bird hunting is permitted within the city limits of Dunes City.

(3) Game bird hunting is permitted within the boundary limits of the Klamath Falls Airport.

(4) Waterfowl hunting is permitted in the following portion of Miami Cove lying within the city limits of Garibaldi: That land in the east one-half of the northwest quarter of Section 22, Township 1 North, Range 10 West, Willamette Meridian, lying south of Coast Highway 101, and in the east one-half of the southwest quarter of Section 22, Township 1 North, Range 10 West, lying north and west of Coast Highway 101, provided that no hunting be permitted within 100 yards of any residence or commercial structure.

(5) Waterfowl hunting is allowed within a portion of Coos Bay City limits as described in Coos Bay City Ordinance number 100, section 3(2)(a) as of August 3, 2007.

(6) Waterfowl hunting is allowed within Boardman City limits as described in City of Boardman Resolution 4-2011 as of January 19, 2011.

(7) No person shall take any game bird or destroy the eggs or nests of any game bird without a permit issued by the department.

(8) Notwithstanding the prohibition in paragraph (7):

(a) If registered through the Resident Canada Goose Nest and Egg Registration Site of the U.S. Fish and Wildlife Service (<https://epermits.fws.gov/eRCGR/geSI.aspx>), any person may destroy the eggs or nests of resident Canada geese:

(A) Inside incorporated cities or urban growth boundaries; or

(B) On golf courses, parks or other highly developed recreational areas outside incorporated cities or urban growth boundaries.

(b) The U.S. Fish and Wildlife Service, or anyone issued a depredation permit by the USFWS, may take any migratory game bird, its eggs or nest for the purpose of protecting public health or safety, to address public nuisance or to deal with crop depredation. Any migratory game bird captured for the purpose of translocation must be reported to the department and the translocation site approved by the department prior to release.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 46-1983, f. & ef. 9-19-83; FWC 65-1983(Temp), f. & ef. 11-22-83; FWC 9-1984, f. & ef. 3-12-84; FWC 51-1984, f. & ef. 9-5-84; FWC 64-1985, f. & ef. 10-2-85; FWC 58-1986, f. & ef. 9-17-86; FWC 80-1988, f. & ef. 9-2-88; FWC 105-1989, f. & ef. 9-29-89; FWC 92-1990, f. & ef. 9-4-90; FWC 80-1992, f. & ef. 8-26-92; FWC 51-1993, f. & ef. 8-25-93; FWC 45-1997, f. & ef. 8-13-97; DFW 61-1998, f. & ef. 8-10-98; DFW 84-2004, f. & ef. 8-18-04; DFW 116-2006(Temp), f. & ef. 10-12-06 thru 4-10-07; DFW 68-2007, f. & ef. 8-14-07; DFW 37-2008(Temp), f. & ef. 4-21-08 thru 10-17-08; DFW 90-2008, f. & ef. 8-13-08; DFW 5-2011(Temp), f. & ef. 1-19-11 thru 7-15-11; DFW 108-2011, f. & ef. 8-5-11; DFW 103-2012, f. & ef. 8-6-12; DFW 112-2014, f. & ef. 8-4-14

635-052-0000

Purpose

(1) The purpose of these rules is to establish season dates, areas and bag limits for migratory upland game birds pursuant to ORS Chapter 496.

(2) The document entitled "2014–2015 Oregon Game Bird Regulations," is incorporated by reference into these rules.

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

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 61-1988, f. & ef. 7-28-88; FWC 45-1997, f. & ef. 8-13-97; DFW 61-1998, f. & ef. 8-10-98; DFW 56-1999, f. & ef. 8-13-99; DFW 82-1999(Temp), f. & ef. 10-25-99 thru 2-1-00; DFW 51-2000, f. & ef. 8-22-00; DFW 73-2001, f. & ef. 8-15-01; DFW 88-2002, f. & ef. 8-14-02; DFW 76-2003, f. & ef. 8-13-03; DFW 84-2004, f. & ef. 8-18-04; DFW 91-2005, f. & ef. 8-19-05; DFW 81-2006, f. & ef. 8-11-06; DFW 68-2007, f. & ef. 8-14-07; DFW 90-2008, f. & ef. 8-13-08; DFW 93-2009, f. & ef. 8-12-09; DFW 117 2010, f. & ef. 8-13-10; DFW 108-2011, f. & ef. 8-5-11; DFW 103-2012, f. & ef. 8-6-12; DFW 85-2013, f. & ef. 8-5-13; DFW 112-2014, f. & ef. 8-4-14

635-053-0000

Purpose

(1) The purpose of these rules is to establish season dates, bag limits, areas and other restrictions for hunting upland game birds pursuant to ORS Chapter 496.

(2) The document entitled "2014–2015 Oregon Game Bird Regulations," is incorporated by reference into these rules.

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

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 81-1988, f. & ef. 9-2-88; FWC 33-1996, f. & ef. 6-7-96; FWC 45-1997, f. & ef. 8-13-97; DFW 61-1998, f. & ef. 8-10-98; DFW 75-1998, f. & ef. 9-4-98; DFW 56-1999, f. & ef. 8-13-99; DFW 82-1999(Temp), f. & ef. 10-25-99 thru 2-1-00; DFW 51-2000, f. & ef. 8-22-00; DFW 73-2001, f. & ef. 8-15-01; DFW 3-2002(Temp), f. & ef. 1-3-02 thru 1-23-02; DFW 88-2002, f. & ef. 8-14-02; DFW 76-2003, f. & ef. 8-13-03; DFW 2-2004(Temp), f. & ef. 1-13-04, cert. ef. 1-16-04 thru 1-31-04; DFW 84-2004, f. & ef. 8-18-04; DFW 91-2005, f. & ef. 8-19-05; DFW 81-2006, f. & ef. 8-11-06; DFW 68-2007, f. & ef. 8-14-07; DFW 90-2008, f. & ef. 8-13-08; DFW 93-2009, f. & ef. 8-12-09; DFW 117 2010, f. & ef. 8-13-10; DFW 108-2011, f. & ef. 8-5-11; DFW 103-2012, f. & ef. 8-6-12; DFW 85-2013, f. & ef. 8-5-13; DFW 112-2014, f. & ef. 8-4-14

635-054-0000

Purpose

(1) The purpose of these rules is to establish season dates, bag limits, areas and other restrictions for hunting ducks, geese, coots, Wilson's snipe and crow pursuant to ORS Chapter 496.

(2) The document entitled "2014–2015 Oregon Game Bird Regulations," is incorporated by reference into these rules.

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

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 82-1988, f. & ef. 9-2-88; FWC 45-1997, f. & ef. 8-13-97; FWC 53-1997, f. & ef. 9-3-97; DFW 61-1998, f. & ef. 8-10-98; DFW 75-1998, f. & ef. 9-4-98; DFW 95-1998(Temp), f. & ef. 12-1-98 thru 12-18-98; DFW 98-1998(Temp), f. & ef. 12-18-98 thru 2-28-99; DFW 56-1999, f. & ef. 8-13-99; DFW 82-1999(Temp), f. & ef. 10-25-99 thru 2-1-00; DFW 51-2000, f. & ef. 8-22-00; DFW 73-2001, f. & ef. 8-15-01; DFW 99-2001(Temp), f. & ef. 10-12-01 thru 4-10-02; DFW 3-2002(Temp), f. & ef. 1-3-02 thru 1-23-02; DFW 88-2002, f. & ef. 8-14-02; DFW 76-2003, f. & ef. 8-13-03; DFW 84-2004, f. & ef. 8-18-04; DFW 87-2004(Temp), f. & ef. 8-18-04 thru 9-16-04; Administrative correction 10-25-04; DFW 91-2005, f. & ef. 8-19-05; DFW 81-2006, f. & ef. 8-11-06; DFW 68-2007, f. & ef. 8-14-07; DFW 90-2008, f. & ef. 8-13-08; DFW 93-2009, f. & ef. 8-12-09; DFW 117 2010, f. & ef. 8-13-10; DFW 108-2011, f. & ef. 8-5-11; DFW 103-2012, f. & ef. 8-6-12; DFW 85-2013, f. & ef. 8-5-13; DFW 112-2014, f. & ef. 8-4-14

635-060-0000

Purpose and General Information

(1) The purpose of these rules is to describe the requirements and procedures for controlled hunts pursuant to ORS Chapter 496.162.

(2) The documents entitled "2014–2015 Oregon Game Bird Regulations," and "2014 Oregon Big Game Regulations," are incorporated by reference into these rules. These documents are available at hunting license agents and regional, district, and headquarters offices of the Oregon Department of Fish and Wildlife.

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

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 118, f. & ef. 6-3-77; FWC 25-1978, f. & ef. 5-26-78; FWC 32-1978, f. & ef. 6-30-78; FWC 29-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 7-1981, f. & ef. 6-1-81; FWC 10-1981, f. & ef. 3-31-81; FWC 22-1981, f. & ef. 6-29-81; FWC 21-1982, f. & ef. 3-31-82; FWC 38-1982, f. & ef. 6-25-82; FWC 34-1984, f. & ef. 7-24-84; FWC 16-1985, f. & ef. 4-11-85; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 11-1987, f. & ef. 3-6-87; FWC 40-1987, f. & ef. 7-6-87; FWC 12-1988, f. & ef. 3-10-88; FWC 37-1988, f. & ef. 6-13-88; FWC 14-1989, f. & ef. 3-28-89; FWC 48-1989, f. & ef. 7-25-89; FWC 23-1990, f. & ef. 3-21-90; FWC 71-1997, f. & ef. 12-29-97; DFW 61-1998, f. & ef. 8-10-98; DFW 1-1999, f. & ef. 1-14-99; DFW 56-1999, f. & ef. 8-13-99; DFW 92-1999, f. & ef. 12-8-99, cert. ef. 1-1-00; DFW 51-2000, f. & ef. 8-22-00; DFW 82-2000, f. & ef. 12-21-00, cert. ef. 1-1-01; DFW 73-2001, f. & ef. 8-15-01; DFW 121-2001, f. & ef. 12-24-01, cert. ef. 1-1-02; DFW 3-2002(Temp), f. & ef. 1-3-02 thru 1-23-02; DFW 28-2002(Temp), f. & ef. 4-1-02, cert. ef. 4-2-02 thru 9-28-02; DFW 59-2002, f. & ef. 6-11-02; DFW 88-2002, f. & ef. 8-14-02; DFW 2-2003, f. & ef. 1-17-03; DFW 76-2003, f. & ef. 8-13-03; DFW 118-2003, f. & ef. 12-4-03, cert. ef. 1-1-04; DFW 84-2004, f. & ef. 8-18-04; DFW 122-2004, f. & ef. 12-21-04, cert. ef. 1-1-05; DFW 91-2005, f. & ef. 8-19-05; DFW 128-2005, f. & ef. 8-12-05, cert. ef. 1-1-06; DFW 81-2006, f. & ef. 8-11-06; DFW 127-2006, f. & ef. 12-7-06, cert. ef. 1-1-07; DFW 68-2007, f. & ef. 8-14-07; DFW 118-2007, f. & ef. 10-31-07, cert. ef. 1-1-08; DFW 60-2008, f. & ef. 6-12-08; DFW 90-2008, f. & ef. 8-13-08; DFW 150-2008, f. & ef. 12-18-08, cert. ef. 1-1-09; DFW 93-2009, f. & ef. 8-12-09; DFW 140-2009, f. & ef. 11-3-09, cert. ef. 1-1-10; DFW 117-2010, f. & ef. 8-13-10; DFW 140-2010(Temp), f. & ef. 10-6-10 thru 12-31-10; Administrative correction 1-25-11; DFW 108-2011, f. & ef. 8-5-11; DFW 103-2012, f. & ef. 8-6-12; DFW 85-2013, f. & ef. 8-5-13; DFW 112-2014, f. & ef. 8-4-14

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

Adm. Order No.: DFW 113-2014

Filed with Sec. of State: 8-5-2014

Certified to be Effective: 8-15-14

ADMINISTRATIVE RULES

Notice Publication Date: 7-1-2014

Rules Adopted: 635-005-0491

Rules Amended: 635-005-0420, 635-005-0440, 635-005-0465, 635-005-0480, 635-005-0485

Subject: The adopted and amended rules for commercial Dungeness crab fisheries will implement recent legislation and recommendations of the Coastal Dungeness Crab Tri-State Committee. House Bill (HB) 4049, passed in 2014, changed provisions related to suspension, revocation, and transfer of Dungeness crab permits. The administrative rules are being updated to conform to these changes. HB 3262, passed in the 2013, authorized the Oregon Fish and Wildlife Commission (ODFW) to issue commercial fishing vessels permits to remove gear remaining in the ocean 15 or more days after the commercial season closes. HB 3262 exempts gear removed under such a permit from personal property laws. Adopted rules implement a gear removal permitting system as authorized by HB 3262. Also, rule amendments implement changes to the Pre-Season Testing Protocol for the Commercial Dungeness Crab Fishery (Protocol) and the fishery start time (time of day) which have been mutually agreed to by the states of Washington, Oregon, and California fish and wildlife agencies under the auspices of the Pacific States Marine Fisheries Commission's Coastal Dungeness Crab Tri-State Committee process.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-005-0420

Revocation and Refusal to Issue Permits

The Commercial Fishery Permit Board may revoke and refuse subsequent issuance of an Ocean Dungeness Crab Permit pursuant to ORS 508.485 and 508.490.

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

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 76-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 113-2014, f. 8-5-14, cert. ef. 8-15-14

635-005-0440

Transferability of Permits

(1) Any transfer of a permit away from a vessel without the written consent of each person holding a security interest in such vessel is void.

(2) Ocean Dungeness Crab Permit holders may transfer a permit:

(a) Pursuant to ORS 508.936; and

(b) Once in an 18-month period, provided the vessel holding the permit has landed at least 500 pounds of ocean Dungeness crab into Oregon in each of two ocean Dungeness crab fishing seasons in the last five ocean Dungeness crab fishing seasons, which includes landings made during any season open at the time of application. However, the Board may waive the landing requirement as well as the 18-month waiting period for transfers, if the Board finds strict adherence to this requirement was not met by the individual seeking to transfer a permit as a result of undue hardship as defined in OAR 635-005-0240. The Board also may delegate to the Department its authority to waive these requirements in such specific instances as the Board sets forth in a Letter of Delegation to the Department.

(3) An Ocean Dungeness Crab Permit is transferable:

(a) To another vessel; or

(b) To the purchaser of the vessel when the vessel is sold.

(4) The vessel to which an Ocean Dungeness Crab Permit is transferred:

(a) Shall not be more than 10 feet longer than the vessel which held the permit on January 1, 2006, except that a permit transferred to a vessel that is more than 10 feet shorter than the vessel for which the permit was held on January 1, 2013, may subsequently be transferred to a vessel of a length equal to or less than the length of the vessel for which the permit was held on January 1, 2013;

(b) Shall not be more than 99 feet in length; and

(c) Shall not be more than 26 feet in length if the Ocean Dungeness Crab Permit was obtained as a result of qualifying under subsection (1)(e) of ORS 508.931.

(5) For the purpose of subsection (4)(a) of this rule, the Commercial Fishery Permit Board may waive the vessel length restriction if it finds that strict adherence to this requirement was not met as a result of undue hardship as defined in OAR 635-005-0240.

(6) In the event a vessel is destroyed due to fire, capsizing, sinking or other event, the vessel owner has up to two years to transfer the Ocean Dungeness Crab Permit to a replacement vessel.

(7) Ocean Dungeness Crab Permit transfers are suspended during split season openings as pursuant to OAR 635-005-0465(2).

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

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 76-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 113-2014, f. 8-5-14, cert. ef. 8-15-14

635-005-0465

Closed Season in Pacific Ocean and Columbia River

(1) It is *unlawful* to take, land or possess Dungeness crab for commercial purposes from the Pacific Ocean or Columbia River from August 15 through November 30, 08:59 AM.

(2) The season opening for the commercial Ocean Dungeness crab fishery may be delayed in one or more fishing zones based on the results of crab quality testing. The Pre-season Testing Protocol for the Tri-State Coastal Dungeness crab Commercial Fishery (hereafter, "Tri-State Protocol") specifies the process for establishing fishing zones (section VI) and coordinating the opening of the fishery in Washington, Oregon, and California north of Point Arena (sections IV and V). Therefore, the following sections of the Tri-State Protocol (Revised July 2014) are hereby incorporated into Oregon Administrative Rule by reference:

(a) Section IV — Season Opening Criteria.

(b) Section V — Test Fishing and Process for Setting the Season Opening Date.

(c) Section VI — Procedure for Establishing Fishing Zones. In the event that crab quality tests do not meet the criteria for opening the season on December 1, the Director shall adopt temporary rules delaying the season in accordance with the Tri-State Protocol.

(3) It is *unlawful* to land, receive or buy, Dungeness crab in the first thirty days of the ocean Dungeness crab fishery from a vessel that has not been certified by officials of the State of Oregon, Washington, or California to have been free of Dungeness crab before fishing in the ocean Dungeness crab fishery. In the event the area between Gray's Harbor, Washington and Point Arena, California is divided into zones with different season opening dates, the ocean Dungeness crab fishery refers to the fishery in that zone for the purposes of this rule.

(4) In the event the area between Gray's Harbor, Washington and Point Arena, California is divided into zones with different season opening dates, the transfer of a permit from one vessel to another is suspended from the earliest season opening date through thirty days after the latest season opening date, except in the event a vessel is unintentionally destroyed due to fire, capsizing, sinking, or other event.

(5) Upon a determination by the Department that catch in Oregon's ocean Dungeness crab fishery after May 31 is greater than ten percent of the catch in the previous December 1 through May 31 period, the Director shall adopt a temporary rule closing the commercial season until the following December 1.

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

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FC 246, f. 5-5-72, ef. 5-15-72; FC 285(74-20), f. 11-27-74, ef. 12-25-74; FC 293(75-6), f. 6-23-75, ef. 7-11-75; FWC 30, f. & ef. 11-28-75; FWC 132, f. & ef. 8-4-77; FWC 30-1985, f. 6-27-1985, ef. 7-1-85, Renumbered from 625-010-0155, Renumbered from 635-036-0125; FWC 56-1982, f. & ef. 8-27-82; FWC 13-1983, f. & ef. 3-24-83; FWC 39-1983(Temp), f. & ef. 8-31-83; FWC 11-1984, f. 3-30-84, ef. 9-16-84, except section (1) per FWC 45-1984, f. & ef. 8-30-84; FWC 30-1985, f. 6-27-85, ef. 7-1-85; FWC 78-1986(Temp), f. & ef. 12-1-86; FWC 36-1987, f. & ef. 7-1-87; FWC 97-1987(Temp), f. & ef. 11-17-87; FWC 102-1988, f. 11-29-88, cert. ef. 12-29-88; FWC 119-1989(Temp), f. 11-29-89, cert. ef. 12-1-89; FWC 135-1991(Temp), f. 12-10-91, cert. ef. 12-11-91; FWC 136-1991(Temp), f. & cert. ef. 12-19-91; FWC 112-1992, f. 10-26-92, cert. ef. 11-1-92; FWC 70-1993, f. 11-9-93, cert. ef. 11-11-93; FWC 88-1994(Temp), f. 11-30-94, cert. ef. 12-1-94; FWC 89-1994(Temp), f. & cert. ef. 12-1-94; FWC 89-1995(Temp), f. 11-28-95, cert. ef. 12-1-95; FWC 1-1996(Temp), f. 1-1-96, cert. ef. 1-13-96; DFW 51-1998(Temp), f. 6-29-98, cert. ef. 7-1-98 thru 9-15-98; DFW 54-1998(Temp), f. & cert. ef. 7-24-98 thru 9-15-98; DFW 40-1999, f. & cert. ef. 5-26-99; DFW 70-2000, f. & cert. ef. 10-23-00; DFW 77-2000(Temp), f. 11-27-00, cert. ef. 12-1-00 thru 12-14-00; DFW 39-2002, f. & cert. ef. 4-26-02; DFW 128-2002(Temp), f. & cert. ef. 11-15-02 thru 1-31-03; DFW 129-2002(Temp), f. & cert. ef. 11-20-02 thru 1-31-03; DFW 132-2002(Temp), f. & cert. ef. 11-25-02 thru 1-31-03 (Suspended by DFW 133-2002(Temp)); DFW 133-2002(Temp), f. & cert. ef. 12-6-02 thru 1-31-03; DFW 117-2003(Temp), f. 11-25-03, cert. ef. 12-1-03 thru 2-29-04; Administrative correction 10-26-04; DFW 113-2004(Temp), f. 11-23-04, cert. ef. 12-1-04 thru 3-1-05; DFW 116-2004(Temp), f. & cert. ef. 12-8-04 thru 3-1-05; DFW 126-2004(Temp), f. & cert. ef. 12-21-04 thru 3-1-05; DFW 132-2004(Temp), f. & cert. ef. 12-30-04 thru 3-1-05; Administrative correction, 3-18-05; DFW 129-2005(Temp), f. & cert. ef. 11-29-05 thru 12-31-05; DFW 140-2005(Temp), f. 12-12-05, cert. ef. 12-30-05 thru 5-31-06; Administrative correction 7-20-06; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 161-2010(Temp), f. 12-9-10, cert. ef. 12-10-10 thru 2-16-11; Administrative correction, 3-29-11; DFW 155-2011(Temp), f. 11-18-11, cert. ef. 12-1-11 thru 12-31-11; DFW 156-2011(Temp), f. 12-9-11, cert. ef. 12-15-11 thru 1-31-12; Administrative correction 4-24-12; DFW 37-2012, f. 4-24-12, cert. ef. 5-1-12; Renumbered from 635-005-0045, DFW 76-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 145-2012(Temp), f. 11-14-12, cert. ef. 12-1-12 thru 12-31-12; DFW 146-2012(Temp), f. 12-11-12, cert. ef. 12-12-12 thru 6-9-13; Administrative correction, 6-27-13; DFW 118-2013, f. 10-11-13, cert. ef. 10-15-13; DFW 129-2013(Temp), f. 11-25-13, cert. ef. 12-1-13 thru 12-31-13; Administrative correction, 2-5-14; DFW 113-2014, f. 8-5-14, cert. ef. 8-15-14

ADMINISTRATIVE RULES

635-005-0480

Dungeness Crab Buoy Tag and Gear Marking Requirements

It is *unlawful* for commercial purposes to:

(1) Use commercial Dungeness crab gear in the Columbia River or Pacific Ocean unless the gear is individually marked with a surface buoy bearing, in a visible, legible and permanent manner, the brand of the owner and the Department buoy tag, provided that:

(a) The brand is a number registered with and approved by the Department;

(b) Only one unique buoy brand shall be registered to any one permitted vessel;

(c) All Dungeness crab gear fished by a permitted vessel must use only the Oregon buoy brand number registered to that vessel in the area off of Oregon;

(d) The Department shall issue crab buoy tags to the owner of each commercial crab permit in the amount determined by OAR 635-005-0405(5);

(e) All buoy tags eligible to a permit holder must be purchased from the Department at cost and attached to the gear prior to setting gear;

(f) Buoys attached to Dungeness crab gear must have the buoy tag securely attached to the buoy closest to the gear at the end away from the buoy line; and

(g) Additional buoy tags to replace lost tags will be issued by the Department as follows:

(A) As of the first business day after 30 days following the season opening in the area fished, up to ten percent of the tags initially issued for that season; or

(B) For a catastrophic loss, as defined in ORS 635-005-0240; or

(C) If the Director finds that the loss of buoy tags was:

(i) Due to an extraordinary event;

(ii) The loss was minimized with the exercise of reasonable diligence; and

(iii) Reasonable efforts were taken to recover lost buoy tags and associated fishing gear.

(D) Upon receipt of the declaration of loss required by subsection (1)(g)(E) of this rule, and a request for replacement tags under sub-subsection (1)(g)(C) of this rule, the Director or the Director's designee may provide an opportunity for the permit holder requesting the replacement tags to describe why the buoy tag loss meets the criteria for replacement under subsection (1)(g)(C) of this rule. The Director or the Director's designee shall provide the Director's order to the permit holder and to the Department's License Services. The permit holder may appeal the Director's findings to the Fishery Permit Review Board under OAR 635-005-0425.

(E) Permit holders (or their alternative designated on the buoy tag order form) must obtain, complete, and sign a declaration of loss under penalty of perjury in the presence of an authorized Department employee. The declaration shall state the number of buoy tags lost, the location and date where lost gear or tags were last observed, and the presumed cause of the loss.

(2) Possess on a vessel, use, control, or operate any Dungeness crab gear which does not have a tag affixed to the individual pot or ring identifying the gear as belonging to that vessel, a surface buoy bearing the Department buoy brand registered to that vessel, and a Department buoy tag issued by the Department to that vessel, as pursuant to ORS 509.415, except:

(a) To set gear as allowed under OAR 635-005-0405; or

(b) Under a waiver granted by the Department to allow one time retrieval of permitted Dungeness crab gear to shore by another crab permitted vessel provided that:

(A) The vessel is incapacitated due to major mechanical failure or destroyed due to fire, capsizing, or sinking;

(B) Circumstances beyond the control of the permit holder as defined by undue hardship in OAR 635-005-0240;

(C) A Request must be in writing and a waiver approved and issued prior to retrieval; and

(D) A copy of the waiver must be on board the vessel making the retrieval (Contact Department of Fish and Wildlife Licensing Services, Salem for guidelines).

(c) Under a waiver granted by the Department to allow one time change of buoy tags associated with a Dungeness crab permit transfer under OAR 635-005-0440 provided that:

(A) A request must be in writing and a waiver approved and issued prior to change of buoy tags; and

(B) A copy of the waiver must be on board the vessel making the change of buoy tags (Contact Department of Fish and Wildlife Licensing Services, Salem for guidelines).

(d) When retrieving derelict Dungeness crab gear as pursuant to OAR 635-005-0490 or 635-005-0491;

(e) A vessel may transit through the Columbia River and the Pacific Ocean adjacent to Oregon while possessing Dungeness crab gear not bearing Oregon buoy tags or Oregon buoy branded surface buoys, provided that the vessel is authorized and en route to participate or returning from participating in the Dungeness crab fishery of an adjacent state; or

(f) When operating crab rings in bays or estuaries, only a tag affixed to the individual ring is required.

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

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 76-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 151-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 113-2014, f. 8-5-14, cert. ef. 8-15-14

635-005-0485

Dungeness Crab Gear Prohibitions

It is *unlawful* for commercial purposes to:

(1)(a) Place, operate, or leave Dungeness crab gear in the Pacific Ocean, Columbia River or in any bay or estuary during the closed season, except:

(b) In only the Pacific Ocean and Columbia River, Dungeness crab gear may be placed no more than 64 hours immediately prior to the date the Dungeness crab season opens. In addition, unbaited Dungeness crab gear with open release mechanisms may be left in the Pacific Ocean (not including the Columbia River) for a period not to exceed 14 days following the closure of the Dungeness crab season.

(2) Have Dungeness crab gear deployed in the Pacific Ocean or Columbia River more than 14 days without making a landing of Dungeness crab.

(3) Remove, damage, or otherwise tamper with crab buoy, pot or ring tags except:

(a) When lawfully applying or removing tags on the vessel's buoys, pots or rings; or

(b) When lawfully removing tags on crab gear retrieved under a Post-Season Derelict Gear Permit pursuant to OAR 635-005-0491 and after the gear has been registered by state officials.

(4) Attach one crab pot or ring to another crab pot or ring by a common groundline or any other means that connects Dungeness crab gear together.

(5) Take crabs for commercial purposes by crab pots from any bay or estuary except the Columbia River.

(6) Take or fish for Dungeness crab for commercial purposes in the Columbia River or Pacific Ocean adjacent to the state of Oregon unless a Dungeness crab gear allocation has been issued to the permit required under OAR 635-005-0405(5).

(7) Deploy or fish more Dungeness crab gear than the number of pots and rings in aggregate assigned by the Dungeness Crab Pot Allocation Certificate or to use any vessel other than the vessel designated on the Dungeness Crab Pot Allocation Certificate, except to set gear as allowed under OAR 635-005-0405.

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

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 76-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 113-2014, f. 8-5-14, cert. ef. 8-15-14

635-005-0491

Post-season Derelict Gear Recovery Permits

(1) Fifteen days after the close of ocean commercial crab season, the Department may grant Post-Season Derelict Gear Recovery Permits for boats licensed, issued pursuant to ORS 508.260, commercial vessels to recover Dungeness crab gear that remains in the ocean.

(2) It is *unlawful* to fail to follow the provisions of a Post-Season Derelict Gear Recovery Permit.

(3) The Director or Director's designee may grant emergency exemptions from the gear recovery program for Dungeness crab gear that was unable to be removed from the ocean prior to fifteen days after the end of the season as a result of undue hardship as defined in OAR 635-005-0240. Requests for exemptions must be submitted to the Marine Resources Program, Newport by August 29 of each year.

(4) The provisions of ORS 98.005, 98.015, 98.025 and 98.436 do not apply to crab pots removed from the ocean under the provisions of Post-Season Derelict Gear Recovery Permit.

(5) Dungeness crab gear retrieved under the authority of a Post-Season Derelict Gear Recovery Permit and not subject to emergency exemption under section (3) of this rule may be disposed of at the permit

ADMINISTRATIVE RULES

holder's discretion after documenting retrieval of the gear in accordance with permit conditions.

Stat. Auth.: ORS 506.036, 506.109, 506.119, 506.129 & HB 3262 (2013)
Stats. Implemented: ORS 506.109, 506.129 & 506.306
Hist.: DFW 113-2014, f. 8-5-14, cert. ef. 8-15-14

Rule Caption: Commercial Sardine Fisheries Rule Amended

Adm. Order No.: DFW 114-2014

Filed with Sec. of State: 8-5-2014

Certified to be Effective: 8-5-14

Notice Publication Date: 5-1-2014

Rules Amended: 635-004-0375

Subject: Amendments to Oregon's administrative rule for commercial sardine fisheries bring the State of Oregon concurrent with federally adopted regulations. Modifications establish 2014 seasons and/or quotas for the sardine fisheries. Housekeeping and technical corrections to the regulations were made to ensure rule consistency.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-004-0375

Scope, Inclusion, and Modification of Rules

(1) The commercial coastal pelagic species fishery in the Pacific Ocean off Oregon is jointly managed by the state of Oregon and the federal government through the Pacific Fishery Management Council process. The Code of Federal Regulations provides federal requirements for this fishery, including but not limited to the time, place, and manner of taking coastal pelagic species. However, additional regulations may be promulgated subsequently by publication in the Federal Register, and these supersede, to the extent of any inconsistency, the Code of Federal Regulations. Therefore, the following publications are incorporated into Oregon Administrative Rule by reference:

(a) Code of Federal Regulations, Part 660, Subpart I, (October 1, 2013 ed.); and

(b) Federal Register Vol. 79, No. 143, dated July 25, 2014 (79 FR 43269).

(2) Persons must consult the federal regulations in addition to Division 004 to determine all applicable coastal pelagic species fishing requirements. Where federal regulations refer to the fishery management area, that area is extended from shore to three nautical miles from shore coterminous with the Exclusive Economic Zone.

(3) The Commission may adopt additional or modified regulations that are more conservative than federal regulations, in which case Oregon Administrative Rule takes precedence. See OAR 635-004-0205 through 635-004-0235 and 635-004-0380 through 635-004-0545 for additions or modifications to federal coastal pelagic species regulations.

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

Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 496.162, 506.109 & 506.129
Hist.: DFW 75-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 110-2012(Temp), f. 8-21-12, cert. ef. 8-23-12 thru 9-14-12; Administrative correction 9-20-12; DFW 58-2013, f. & cert. ef. 6-19-13; DFW 90-2013(Temp), f. 8-20-13, cert. ef. 8-22-13 thru 9-14-13; DFW 76-2014(Temp), f. 6-24-14, cert. ef. 6-25-14 thru 7-31-14; DFW 99-2014, f. 7-21-14, cert. ef. 7-22-14 thru 9-30-14; DFW 104-2014(Temp), f. 7-29-14, cert. ef. 8-1-14 thru 9-30-14; DFW 114-2014, f. & cert. ef. 8-5-14

Rule Caption: 2014 Fall Commercial Seasons Set for Columbia River Select Area Fisheries.

Adm. Order No.: DFW 115-2014(Temp)

Filed with Sec. of State: 8-5-2014

Certified to be Effective: 8-18-14 thru 10-31-14

Notice Publication Date:

Rules Amended: 635-042-0160, 635-042-0170, 635-042-0180

Subject: Amended rules set the 2014 fall commercial gill net salmon seasons for three Columbia River Select Areas including: Blind and Knappa sloughs, Tongue Point/South Channel and Deep River.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0160

Blind Slough and Knappa Slough Select Area Salmon Season

(1) Chinook, coho pink, and sockeye salmon and shad may be taken for commercial purposes during open fishing periods described below in those waters of Blind Slough and Knappa Slough. The following restrictions apply:

(a) The seasons in Blind and Knappa sloughs are open nightly on Monday, Tuesday, Wednesday, and Thursday nights from 7:00 p.m. to 7:00

a.m. the following morning (12 hours) beginning Monday, August 25 through Friday, September 12, 2014; and from 6:00 p.m. to 8:00 a.m. the following morning (14 hours) beginning Monday, September 15 through Friday, October 31 (40 nights).

(b) The fishing areas for the seasons are:

(A) Blind Slough are those waters adjoining the Columbia River which extend from markers at the mouth of Blind Slough upstream to markers at the mouth of Gnat Creek which is located approximately 1/2 mile upstream of the county road bridge.

(B) Knappa Slough are all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to a north-south line defined by a marker 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 fishery, outlined above in subsections (1)(a) and (1)(b), gill nets may not exceed 100 fathoms in length with no weight limit on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. It is unlawful to use a gill net having a mesh size that is more than 9.75-inches.

(B) Nets that are fished at any time between official sunset and official sunrise must have lighted buoys on both ends of the net unless the net is attached to the boat. If the net is attached to the boat, then one lighted buoy on the opposite end of the net from the boat is required.

(C) Nets 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.

(2) Oregon licenses are required in the open waters upstream from the railroad bridge.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 86-1998(Temp), f. & cert. ef. 10-28-98 thru 10-30-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 48-1999(Temp), f. & cert. ef. 6-24-99 thru 7-2-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 65-2000(Temp), f. 9-22-00, cert. ef. 9-25-00 thru 12-31-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 86-2001, f. & cert. ef. 9-4-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 14-2002(Temp), f. 2-13-02, cert. ef. 2-18-02 thru 8-17-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; DFW 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; DFW 28-2004(Temp), f. 4-8-04, cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. & 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 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-

ADMINISTRATIVE RULES

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; DFW 39-2014(Temp), f. 5-7-14, cert. ef. 5-8-14 thru 7-31-14; DFW 115-2014(Temp), f. 8-5-14, cert. ef. 8-18-14 thru 10-31-14

635-042-0170

Tongue Point Basin and South Channel

(1) Tongue Point fishing area includes all waters bounded by a line from a marker midway between the red USCG navigation light #2 at the tip of Tongue Point and the downstream (northern most) pier (#8) at the Tongue Point Job Corps facility, to the flashing green USCG navigation light #3 on the rock jetty at the west end of Mott Island, a line from a marker at the southeast end of Mott Island northeasterly to a marker on the north-west 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" thence northwesterly to a marker on Burnside Island defining the terminus of South Channel.

(3) Chinook, coho pink, and sockeye 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. Open fishing periods are: Monday, Tuesday, Wednesday, and Thursday nights from 7:00 p.m. to 7:00 a.m. the following morning (12 hours) beginning Monday, August 25 through Friday, September 12, 2014; and from 4:00 p.m. to 10:00 a.m. the following morning (18 hours) beginning Monday, September 15 through Friday, October 31 (40 nights).

(4) Gear restrictions are as follows:

(a) In waters described in section (1) as Tongue Point basin, gill nets may not exceed 250 fathoms in length and weight limit on the lead line is not to exceed two pounds on any one fathom. It is unlawful to use a gill net having a mesh size that is more than 6-inches. While fishing during the seasons described in this rule Fishers participating in the Tongue Point fishery may have onboard their vessel, unstored gillnets legal for the South Channel fishery.

(b) In waters described in section (2) as South Channel, nets are restricted to 250 fathoms in length with no weight restrictions on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. It is unlawful to use a gill net having a mesh size that is more than 6-inches.

(c) Nets that are fished at any time between official sunset and official sunrise must have lighted buoys on both ends of the net unless the net is attached to the boat. If the net is attached to the boat, then one lighted buoy on the opposite end of the net from the boat is required.

(d) Nets 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.

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 correc-

tion 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; DFW 39-2014(Temp), f. 5-7-14, cert. ef. 5-8-14 thru 7-31-14; DFW 115-2014(Temp), f. 8-5-14, cert. ef. 8-18-14 thru 10-31-14

635-042-0180

Deep River Select Area Salmon Season

(1) Chinook, coho pink, and sockeye salmon and shad may be taken for commercial purposes from a line through the US Coast Guard navigation marker #16 southwest to a marker on the Washington shore, upstream to the town of Deep River.

(2) The fishing seasons are open 7:00 p.m. to 7:00 a.m. (12 hours) on the following nights:

Mondays and Thursdays from August 18-29, 2014 (4 nights);

Mondays, Tuesdays, Wednesdays, and Thursdays from September 1-12, 2014 (8 nights);

Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays from September 15-27, 2014 (10 nights);

Mondays, Tuesdays, Wednesdays, and Thursdays from September 29-October 17, 2014 (12 nights); and

Monday night October 20, 2014 and Thursday night October 23, 2014 (2 nights).

(3) Gear restrictions are as follows:

(a) Gill nets may not exceed 100 fathoms in length and there is no weight limit on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. Nets may not be tied off to stationary structures and may not fully cross navigation channel.

(b) It is *unlawful* to operate in any river, stream or channel any gill net longer than three-fourths the width of the river, stream, or channel. "River, stream, or channel width" is defined as bank-to-bank, where the water meets the banks, regardless of the time of tide or the water level. 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.

(c) Nets that are fished at any time between official sunset and official sunrise must have lighted buoys on both ends of the net unless the net is attached to the boat. If the net is attached to the boat, then one lighted buoy on the opposite end of the net from the boat is required.

(d) During the seasons, outlined above in section (2), it is unlawful to use a gill net having a mesh size that is more than 9.75-inches through September 12, and more than 6-inches thereafter.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 19-2003(Temp), f. 3-12-03, cert. ef. 4-17-03 thru 6-13-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 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 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 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. & cert. ef. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 77-2006(Temp), f. 8-8-06, cert. ef. 9-4-06 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; Administrative correction 1-

ADMINISTRATIVE RULES

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 28-2007(Temp), f. & cert. ef. 4-26-07 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 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 23-2009(Temp), f. 3-5-09, cert. ef. 3-6-09 thru 4-30-09; DFW 35-2009(Temp), f. 4-7-09, cert. ef. 4-8-09 thru 4-30-09; 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; DFW 112-2009(Temp), f. 9-11-09, cert. ef. 9-13-09 thru 10-30-09; DFW 121-2009(Temp), f. & cert. ef. 9-30-09 thru 10-31-09; Administrative correction 11-19-09; DFW 16-2010(Temp), f. 2-19-10, cert. ef. 2-22-10 thru 6-10-10; DFW 40-2010(Temp), f. & cert. ef. 4-1-10 thru 7-31-10; DFW 46-2010(Temp), f. & cert. ef. 4-21-10 thru 7-31-10; DFW 53-2010(Temp), f. & cert. ef. 5-4-10 thru 7-31-10; DFW 57-2010(Temp), f. & cert. ef. 5-11-10 thru 7-31-10; DFW 69-2010(Temp), f. & cert. ef. 5-18-10 thru 7-31-10; DFW 113-2010(Temp), f. 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 53-2011(Temp), f. & cert. ef. 5-18-11 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 115-2014(Temp), f. 8-5-14, cert. ef. 8-18-14 thru 10-31-14

Rule Caption: Thief Valley Reservoir Sport Game Fish Harvest Opportunity.

Adm. Order No.: DFW 116-2014(Temp)

Filed with Sec. of State: 8-6-2014

Certified to be Effective: 8-9-14 thru 12-31-14

Notice Publication Date:

Rules Amended: 635-021-0090

Rules Suspended: 635-021-0090(T)

Subject: Amended rule authorizes extraordinary catch limits in Thief Valley Reservoir beginning Saturday, August 9, 2014. Due to low water storage levels, the reservoir will be drained of storage water sometime in September 2014. Fish will then be trapped in isolated pools and stressed by warm and turbid water. Rule modifications provide anglers with an opportunity to harvest many of these trout before they are lost.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-021-0090

Inclusions and Modifications

(1) **2014 Oregon Sport Fishing Regulations** provide requirements for the Southeast Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the **2014 Oregon Sport Fishing Regulations**.

(2) The Powder River is open to angling for spring Chinook salmon from Hughes Lane Bridge near Baker City upstream to Mason Dam beginning June 11 through September 1, 2014.

(a) The daily bag limit is two (2) adipose fin-clipped Chinook; two daily limits in possession.

(b) All other General, Statewide and Southeast Zone Regulations, as provided in the **2014 Oregon Sport Fishing Regulations**, remain in effect.

(3) Holbrook Reservoir (Lake County) is open to angling for all game fish species from July 11 through December 31, 2014 with the following restrictions:

(a) Allowed harvest methods are by hand, dip net, or angling;

(b) There are no daily catch and possession limits; and

(c) There are no minimum length requirements.

(4) Thief Valley Reservoir is open to angling for all game species from August 9 through September 30, 2014 with the following restrictions:

(a) The daily catch limit is 15 trout.

(b) There are no minimum length requirements.

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

Stat. Auth.: ORS 183.325, 496.138 & 496.146

Stats. Implemented: ORS 496.162

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 76-1994(Temp), f. & cert. ef. 10-17-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 40-2001(Temp) f. & cert. ef. 5-24-01 thru 11-20-01; DFW 55-

2001(Temp), f. & cert. ef. 6-29-01 thru 12-26-01; DFW 56-2001(Temp), f. & cert. ef. 6-29-01 thru 12-26-01; DFW 85-2001(Temp), f. & cert. ef. 8-30-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 54-2002(Temp), f. 5-24-02, cert. ef. 6-15-02 thru 12-1-02; DFW 91-2002(Temp) f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 93-2002(Temp), f. 8-22-02, cert. ef. 8-24-02 thru 12-31-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 80-2003(Temp), f. & cert. ef. 8-22-03 thru 9-30-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 101-2005(Temp), f. 8-31-05, cert. ef. 9-2-05 thru 9-30-05; Administrative correction 10-19-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 36-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 9-30-07; DFW 54-2007(Temp), f. 7-6-07, cert. ef. 7-14-07 thru 9-30-07; DFW 62-2007(Temp), f. 7-31-07, cert. ef. 8-1-07 thru 9-30-07; Administrative correction 10-16-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 51-2008(Temp), f. 5-16-08, cert. ef. 5-31-08 thru 9-1-08; DFW 74-2008(Temp), f. 7-3-08, cert. ef. 7-4-08 thru 9-1-08; DFW 77-2008(Temp), f. & cert. ef. 7-9-08 thru 9-1-08; Administrative correction 9-29-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 53-2009(Temp), f. 5-18-09, cert. ef. 5-30-09 thru 9-1-09; DFW 62-2009(Temp), f. 6-2-09, cert. ef. 6-13-09 thru 9-1-09; DFW 79-2009(Temp), f. 6-30-09, cert. ef. 7-5-09 thru 9-1-09; Administrative correction 9-29-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 52-2010(Temp), f. 4-30-10, cert. ef. 5-1-10 thru 9-30-10; DFW 60-2010(Temp), f. 5-13-10, cert. ef. 5-22-10 thru 9-30-10; DFW 67-2010(Temp), f. 5-18-10, cert. ef. 5-22-10 thru 9-30-10; DFW 78-2010(Temp), f. 6-10-10, cert. ef. 6-11-10 thru 9-1-10; Administrative correction 9-22-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 50-2011(Temp), f. 5-16-11, cert. ef. 5-28-11 thru 9-1-11; Administrative correction 9-23-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 60-2012(Temp), f. 6-11-12, cert. ef. 6-13-12 thru 9-1-12; DFW 114-2012(Temp), f. 8-30-12, cert. ef. 9-1-12 thru 2-27-13; DFW 117-2012(Temp), f. 9-5-12, cert. ef. 9-7-12 thru 2-27-13; DFW 122-2012(Temp), f. 9-21-12, cert. ef. 9-21-12 thru 12-31-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 61-2013(Temp), f. 6-24-13, cert. ef. 7-1-13 thru 12-27-13; DFW 93-2013(Temp), f. 8-22-13, cert. ef. 8-24-13 thru 12-31-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 57-2014(Temp), f. 6-9-14, cert. ef. 6-11-14 thru 9-1-14; DFW 90-2014(Temp), f. 7-10-14, cert. ef. 7-11-14 thru 12-31-14; DFW 116-2014(Temp), f. 8-6-14, cert. ef. 8-9-14 thru 12-31-14

Rule Caption: Amend Rules Pertaining to Oregon Department of Fish and Wildlife Lands

Adm. Order No.: DFW 117-2014

Filed with Sec. of State: 8-7-2014

Certified to be Effective: 8-7-14

Notice Publication Date: 7-1-2014

Rules Adopted: 635-008-0103, 635-008-0117, 635-008-0121, 635-008-0122, 635-008-0124, 635-008-0126, 635-008-0164

Rules Amended: 635-008-0050, 635-008-0055, 635-008-0060, 635-008-0067, 635-008-0070, 635-008-0075, 635-008-0080, 635-008-0085, 635-008-0090, 635-008-0095, 635-008-0105, 635-008-0110, 635-008-0115, 635-008-0120, 635-008-0123, 635-008-0127, 635-008-0130, 635-008-0135, 635-008-0140, 635-008-0145, 635-008-0147, 635-008-0153, 635-008-0154, 635-008-0155, 635-008-0163, 635-008-0165, 635-008-0170, 635-008-0175, 635-008-0185, 635-008-0190, 635-008-0197, 635-008-0200, 635-065-0625

Rules Repealed: 635-008-0160, 635-008-0180

Rules Renumbered: 635-008-0148 to 635-008-0051

Rules Ren. & Amend: 635-008-0149 to 635-008-0052, 635-008-0151 to 635-008-0053

Subject: Amend Rules to Update and Consolidate Rules Pertaining to ODFW Lands

Rules Coordinator: Therese Kucera—(503) 947-6033

635-008-0050

Fish and Wildlife Commission to Post and Enforce Rules

In compliance with authority contained in ORS 496.146(9), and penalties prescribed in 496.992, the following rules are adopted to protect wildlife, fish, lands, and appurtenances or management activities and objectives on lands where title to, or control of, rests in the State of Oregon, acting by and through its Department of Fish and Wildlife. In addition to the requirements and restrictions contained in chapter 635, divisions 011, 021, 045, 046, 050, 051, 052, 053, 054, and 060; the following rules shall apply to all Department wildlife areas referenced in chapter 635, division 008 except as modified by the rules for individual wildlife areas.

(1) In order to further the purposes of ORS 496.012 or to protect public safety, portions of wildlife areas may be posted and closed to all entry. Entering an area posted "closed to entry" is prohibited except by permit.

(2) Leaving garbage and litter on the area is prohibited.

(3) Posted Refuges and Safety Zones are closed to hunting and shooting.

(4) Motor vehicles are prohibited except on parking areas and open roads or as provided for in the following rules. No cross country travel or off road motor vehicle use is allowed, except by ODFW issued permit or for administrative use.

(5) A permit is required to remove firewood, cut trees, dig or remove artifacts or archeological specimens, minerals, sand, gravel, rock, or any

ADMINISTRATIVE RULES

other article, product or material found on the area except for fish and wildlife taken as permitted by law and edible fruiting bodies of plants for personnel consumption.

(6) A permit is required to graze livestock except riding and pack animals in actual use for recreational purposes. Trespass livestock may be removed and/or impounded at the owner's expense in compliance with ORS Chapter 607.

(7) No person shall display behavior which unreasonably deters, distracts or hinders others in the peaceable enjoyment of the area.

(8) The Department may evict any person from the area for any violation of any Department rule or regulation, or when continued presence of that person could cause a threat to the rights and safety of others or property.

(9) No person, commercial vendor or company shall dispense or sell material, goods or items on the area, except by permit.

(10) The Department may issue special use permits allowing exceptions to these rules for uses or activities compatible with the purpose of each wildlife area, and consistent with the goals and objectives of their respective Wildlife Area Management Plan where applicable.

Stat. Auth.: ORS 498

Stats. Implemented: ORS 498

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005; FWC 53-1994, f. & cert. ef. 8-25-94; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 125-2009, f. & cert. ef. 10-7-09; DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0051

Purpose

The purpose of the Wildlife Area parking permit system is to develop additional dedicated revenue for designated Wildlife Areas which will be used to augment infrastructure and habitat restoration activities and enhance wildlife viewing.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 12-1990, f. & cert. ef. 2-2-90; DFW 3-2011, f. & cert. ef. 1-14-11; Renumbered from 635-008-148 by DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0052

Definition

For purposes of OAR 635-008-0051 through 635-008-0053:

(1) "Permit" means a vehicle permit that is issued as evidence of a grant of authority to park a motor-propelled vehicle in a designated parking fee area within a designated Wildlife Area.

(2) "Parking" means a vehicle not in motion.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 497.071

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 497.071

Hist.: FWC 12-1990, f. & cert. ef. 2-2-90; FWC 8-1993, f. & cert. ef. 2-8-93; DFW 3-2011, f. & cert. ef. 1-14-11; Renumbered from 635-008-0149 by DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0053

Procedures for Issuance and Enforcement of Parking Permits for Department Wildlife Areas

The Oregon Department of Fish and Wildlife hereby adopts the following procedures relating to issuance and enforcement of parking permits for certain vehicles on Department Wildlife Areas where parking permits are required:

(1) Parking is permitted only in designated parking areas. A parking permit is required at all times for all fee parking areas.

(2) Fee parking areas are designated by ODFW approved signs:

(3) One of the following permits is required: an annual permit or a daily permit.

(4) The fee for parking permits is \$5.00 (plus \$2.00 agent fee) for permits issued on a daily basis or \$20.00 (plus \$2.00 agent fee) for permits issued on an annual basis beginning each January 1. Any annual hunting license (including Combination and Sports Pac) will include a free annual parking permit.

(5) Permits are issued by selected local agents, Department offices that sell licenses and the Department's Online License Sales website to a party upon payment and may be transferred from vehicle to vehicle.

(6) The permits must be visible from outside the vehicle and be displayed in the front or rear window of the vehicle.

(7) No parking permits will be required for those vehicles which are owned or operated by government agencies. Notwithstanding paragraph (5), the Department reserves the right to issue free administrative parking permits for private vehicles used by volunteers while participating in official Department-related activities. Parking permits will not be required for

individuals arriving in private vehicles to address fire, health or safety emergencies.

(8)(a) A person who operates or parks a motor-propelled vehicle in violation of restrictions established and posted under OAR 635-008-0051 through 635-008-0053 commits an offense punishable as provided in ORS 496.992;

(b) The procedure for a peace officer (or other person authorized to enforce the wildlife laws) to follow upon finding a non government vehicle parked in a designated fee parking area without a permit shall consist of the issuance of a citation which shall be either delivered to the defendant or placed in a conspicuous place upon the vehicle in the violation.

(c) A person who is the registered owner of an unattended motor-propelled vehicle parked in violation of the restrictions established and posted under OAR 635-008-0051 through 635-008-0053 shall be presumed to have violated OAR 635-008-0053(8)(a). It is an affirmative defense to a prosecution of the registered owner of a vehicle under subsection (8)(a) of this section that the use was not authorized by the owner, either expressly or by implication (or the owner was not present when the vehicle was parked).

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 497.071

Stats. Implementation: ORS 496.012, 496.138, 496.146 & 497.071

Hist.: FWC 12-1990, f. & cert. ef. 2-2-90; FWC 8-1993, f. & cert. ef. 2-8-93; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 74-2003(Temp), f. 8-1-03, cert. ef. 8-3-03 thru 8-7-03; Administrative correction 1-12-04; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10; DFW 3-2011, f. & cert. ef. 1-14-11; DFW 54-2011, f. & cert. ef. 5-24-11; DFW 6-2012(Temp), f. & cert. ef. 2-6-12 thru 8-1-12; DFW 57-2012, f. & cert. ef. 6-11-12; DFW 144-2012(Temp), f. & cert. ef. 11-13-12 thru 5-10-13; DFW 30-2013, f. & cert. ef. 5-10-13; DFW 85-2013, f. & cert. ef. 8-5-13; DFW 65-2014, f. 6-11-14, cert. ef. 7-4-14; Renumbered from 635-008-0151 by DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0055

Bridge Creek Wildlife Area (Umatilla County)

The Bridge Creek Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2009 Bridge Creek Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

(1) The area is closed to entry during the period December 1 through April 14, except by access permit issued by ODFW.

(2) Motorized vehicle travel is only allowed on open roads or parking areas and up to 300 feet off open roads for the purpose of moving to and from campsites.

(3) Camping is prohibited except during the period April 15 through November 30, and may not exceed 14 days per stay.

(4) Campfires or open burning is prohibited except at campsites. Open fires are prohibited during designated fire closures.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(1); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 40-2009, f. & cert. ef. 4-27-09; DFW 117-2010, f. & cert. ef. 8-13-10; DFW 168-2010, f. 12-29-10, cert. ef. 1-1-11; DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0060

Burns Gravel Pond (Harney County)

The Burns Gravel Pond area is open to public use unless otherwise excluded or restricted by the following rules:

(1) Discharging firearms is prohibited.

(2) Camping is prohibited.

(3) Open fires are prohibited.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(2); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0067

Chickahominy Wildlife Area (Harney County)

The Chickahominy Wildlife Area is open to wildlife-oriented public use unless otherwise excluded or restricted by the following rules:

(1) Camping is prohibited except in areas designated for that use.

(2) Open fires are prohibited except in designated areas.

(3) Discharging firearms is prohibited except as authorized during game bird and game mammal seasons, or by access permit issued by ODFW.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162

Hist.: FWC 53-1994, f. & cert. ef. 8-25-94; DFW 117-2014, f. & cert. ef. 8-7-14

ADMINISTRATIVE RULES

635-008-0070

Coyote Springs Wildlife Area (Morrow County)

The Coyote Springs Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2008 Columbia Basin Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

- (1) All dogs must be on a leash except during authorized game bird hunting seasons, or by access permit issued by ODFW.
- (2) Camping or overnight stay is prohibited.
- (3) Open fires are prohibited.
- (4) Discharging firearms other than shotguns is prohibited except as authorized by access permit issued by ODFW.
- (5) Discharging a shotgun is prohibited except as authorized during game bird seasons.
- (6) No person shall possess or use any shot other than federally-approved nontoxic shot.
- (7) The wildlife area is closed to the public between 10 pm and 4 am except in designated parking areas.
- (8) No person shall leave decoys set out overnight (10 pm to 4 am.)
- (9) Placing waterfowl hunting site closer than 200 yards apart is prohibited.
- (10) Closed to all big game hunting

(11) Wildlife Area Parking Permit required.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(3); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 137-2008, f. & cert. ef. 10-27-08; DFW 117 2010, f. & cert. ef. 8-13-10; DFW 108-2011, f. & cert. ef. 8-5-11; DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0075

Crates Point Wildlife Area (Wasco County)

The Crates Point Wildlife Area is open to wildlife-oriented public use unless otherwise excluded or restricted by the following rules:

(1) Discharging firearms is prohibited except shotguns during authorized game bird and game mammal seasons or by an access permit issued by ODFW.

(2) Camping is prohibited.

(3) Open fires are prohibited.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162

Hist.: FWC 30-1982, f. & ef. 5-18-82; FWC 53-1994, f. & cert. ef. 8-25-94; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0080

Ken Denman Wildlife Area (Jackson County)

The Ken Denman (Denman) Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2006 Ken Denman Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

(1) Open to the discharge of firearms only while hunting big game and game birds during authorized seasons, or by access permit issued by ODFW.

(2) No person shall possess or use any shot other than federally-approved nontoxic shot at any time, except for big game hunters using buckshot or slugs.

(3) Use of rifles and handguns is prohibited at all times.

(4) Running or training of dogs is prohibited April 1 through July 31 except on designated Dog Training Areas or by access permit issued by ODFW.

(5) Camping is prohibited except by access permit issued by ODFW.

(6) Boats with gas propelled motors are prohibited.

(7) The use of airguns, BB guns and paintball guns is prohibited.

(8) All hunters must check in and out each day at self-service check stations located at area access points.

(9) Trapping is prohibited except by access permit issued by ODFW.

(10) Wildlife Area Parking Permit required.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(4); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 118-2006, f. & cert. ef. 10-16-06; DFW 108-2011, f. & cert. ef. 8-5-11; DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0085

Elkhorn Wildlife Area (Baker/Union Counties)

The Elkhorn Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2006 Elkhorn Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

(1) The area is open to the public from April 11 through December 30

(2) Camping is allowed during the period April 11 through November 30, and may not exceed a total of 14 days during a 30-day period.

(3) Campfires or open burning is prohibited except at campsites. Open fires are prohibited during designated fire closures.

(4) Dogs are prohibited from running at large.

(5) ATV and snowmobile use is prohibited on all area lands except for administrative use or by access permit issued by ODFW.

(6) The Roth Tract is closed to all hunting. The Roth Tract is closed to public entry at all times of the year except by access permit issued by ODFW.

(7) Wildlife Area Parking Permit required.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(5); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 118-2006, f. & cert. ef. 10-16-06; DFW 118-2007, f. 10-31-07, c. cert. ef. 1-1-08; DFW 117 2010, f. & cert. ef. 8-13-10; DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0090

Enterprise Wildlife Area (Wallowa County)

The Enterprise Wildlife Area is open to wildlife-oriented public use unless otherwise excluded or restricted by the following rules:

(1) Posted portions of the area lying south of the Union Pacific Railroad line and the entire Marr Tract are closed to all hunting.

(2) Trapping is prohibited except by access permit issued by ODFW.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(6); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0095

Fern Ridge Wildlife Area (Lane County)

As the underlying landowner, the U.S. Army Corps of Engineers has adopted rules and regulations (CFR Title 36) that apply to all Fern Ridge project land and water areas. The Fern Ridge Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2009 Fern Ridge Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

(1) Open to the discharge of firearms only while hunting big game and game birds during authorized seasons, or by access permit issued by ODFW.

(2) Discharging rifles and handguns is prohibited.

(3) No person shall possess or use any shot other than federally-approved nontoxic shot at any time, except for big game hunters using buckshot or slugs.

(4) The use of airguns, BB guns and paintball guns is prohibited.

(5) All dogs must be on a leash except during authorized hunting seasons, or by access permit issued by ODFW.

(6) Camping is prohibited except by access permit issued by ODFW.

(7) Open fires are prohibited.

(8) The wildlife area is closed to the public 10 pm to 4 am.

(9) Horses and horseback riding are prohibited except by access permit issued by ODFW.

(10) Free daily hunting permits are required for hunting various wildlife area units. Consult annual Game Bird regulations for checkstation locations, time and date restrictions, and hunting requirements.

(11) Seasonal access restrictions may be in place to provide wildlife sanctuary. Consult annual Game Bird Regulations and posted signage for dates and locations.

(12) Trapping is prohibited except by access permit issued by ODFW.

(13) Wildlife Area Parking Permit required.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(7); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 64-2009, f. & cert. ef. 6-10-09; DFW 108-2011, f. & cert. ef. 8-5-11; DFW 117-2014, f. & cert. ef. 8-7-14

ADMINISTRATIVE RULES

635-008-0103

Gods Valley Wildlife Area (Clatsop County)

The Gods Valley Wildlife Area is open to wildlife-oriented public use unless otherwise excluded or restricted by the following rules: Vehicles shall be restricted to travel only on county roads.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0105

Irrigon Wildlife Area (Morrow/Umatilla Counties)

The Irrigon Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2008 Columbia Basin Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

- (1) All dogs must be on a leash except during authorized game bird hunting seasons, or by access permit issued by ODFW.
- (2) Camping or overnight stay is prohibited.
- (3) Horses must stay on the Lewis and Clark Heritage trail.
- (4) Trapping is prohibited except by access permit issued ODFW.
- (5) Open fires are prohibited.
- (6) Discharging firearms other than shotguns is prohibited except as authorized by an access permit issued by ODFW.
- (7) Discharging a shotgun is prohibited except as authorized during game bird and game mammal seasons.
- (8) No person shall possess or use any shot other than federally-approved nontoxic shot at any time, except for big game hunters using buckshot or slugs.
- (9) Entry into the area between 10 pm and 4 am is prohibited except in designated parking areas.
- (10) Leaving decoys set out overnight (10 pm to 4 am) is prohibited.
- (11) Placing waterfowl hunting site closer than 200 yards apart is prohibited.

(12) Wildlife Area Parking Permit required.
Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(8); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 137-2008, f. & cert. ef. 10-27-08; DFW 108-2011, f. & cert. ef. 8-5-11; DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0110

Jewell Meadows Wildlife Area (Clatsop County)

The Jewell Meadows Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2007 Jewell Meadows Management Plan unless otherwise excluded or restricted by the following rules:

- (1) Discharging firearms is prohibited except as authorized during game bird and game mammal seasons, or by access permit issued by ODFW.
- (2) Posted Refuges and Safety Zones are closed to public access.
- (3) Camping is prohibited except designated areas, or by access permit issued by ODFW.
- (4) Running of dogs is prohibited.
- (5) The Beneke Tract is open for hunting only during authorized game mammal and game bird seasons. Posted portions of the Beneke Tract are closed to entry during any open Saddle Mountain Unit elk season, except for black-tailed deer hunting only during the general western Oregon rifle season with a valid unused tag, or by permit.
- (6) The Humburg tract is open for hunting only during authorized game mammal and game bird seasons. Shooting firearms and bows from or across open fields is prohibited during any open Wilson Unit elk season.
- (7) Trapping is prohibited except by access permit issued by ODFW.
- (8) Wildlife Area Parking Permit required.
Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162
Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(9); FWC 53-1994, f. & cert. ef. 8-25-84; DFW 27-2007, f. & cert. ef. 4-19-07; DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0115

Klamath Wildlife Area (Klamath County)

The Klamath Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2008 Klamath Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

- (1) Discharging firearms is prohibited except as authorized during game bird seasons, or by access permit issued by ODFW.
- (2) Running or training of dogs is prohibited February 1 through July 31 except on designated Dog Training Areas or by access permit issued by ODFW.
- (3) Camping is prohibited.
- (4) Personal property must be removed from the area at the end of each hunt day.
- (5) No person shall possess or use any shot other than federally-approved nontoxic shot at any time.
- (6) Miller Island Unit is closed to all deer hunting.
- (7) A daily hunting permit is required. Hunters shall be in possession of permit while in the field; checkout is required.
- (8) Trapping is prohibited except by access permit by ODFW.
- (9) Wildlife Area Parking Permit required.
Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(10); FWC 53-1994, f. & cert. ef. 8-25-95; DFW 38-2008, f. & cert. ef. 4-24-08; DFW 108-2011, f. & cert. ef. 8-5-11; DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0117

Knight Park/Salmon River Access (Lincoln County)

The Knight Park/Salmon River Access area is open to fish and wildlife oriented public use activities. In addition to the provisions in OAR 635-008-0200, the following restriction to public use of Department land at Knight Park/Salmon River Access applies: Parking is prohibited between 10 pm to 4 am.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0120

Ladd Marsh Wildlife Area (Union County)

The Ladd Marsh Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2008 Ladd Marsh Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

- (1) All wildlife area lands, except those west of Foothill Road, are closed to public entry except Wed., Sat., Sun. and holidays during pheasant, quail and waterfowl hunting seasons with the following exceptions:
 - (a) The Nature Trail, adjacent to I-84, is open year-round;
 - (b) The Foothill Road Viewpoint is open year-round;
 - (c) The Peach Road Fishing Pond is open year-round;
 - (d) The Tule Lake Public Access Area is open March 1– September 30.
- (2) All lands west of Foothill Road are closed to all entry Feb. 1 through March 31 except by access permit issued by ODFW.
- (3) Access to areas posted as closed requires access permit issued by ODFW.
- (4) The wildlife area is closed to the public between 10 pm and 4 am. At all other times an access permit issued by ODFW is required.
- (5) All land north and east of Foothill Road is closed to big game hunting except for youth deer hunts 652T1 and 652T2. Big game hunting will be allowed on Ladd Marsh Wildlife Area as authorized by the Department.
- (6) Discharging firearms is prohibited except when lawfully hunting during authorized game bird and big game hunting seasons, or by permit. Discharge of all handgun and centerfire or rimfire rifles is prohibited east of Foothill Road. Discharge of air guns, BB guns, and paintball guns is prohibited at all times.
- (7) Camping is prohibited.
- (8) Dogs are prohibited except during authorized bird hunting seasons.
- (9) No person shall possess or use any shot other than federally-approved nontoxic shot at any time, except for big game hunters using buckshot or slugs.
 - (10) Horses are prohibited east of Foothill Road.
 - (11) ATV and snowmobile use is prohibited on all area lands except for administrative use or by access permit issued by ODFW.
 - (12) Trapping is prohibited except by access permit issued by ODFW.
 - (13) Wildlife Area Parking Permit required.
Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef.

ADMINISTRATIVE RULES

11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(11); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 38-2008, f. & cert. ef. 4-24-08; DFW 108-2011, f. & cert. ef. 8-5-11; DFW 103-2012, f. & cert. ef. 8-6-12; DFW 80-2013(Temp), f. 7-25-13, cert. ef. 7-26-13 thru 1-21-14; DFW 85-2013, f. & cert. ef. 8-5-13; DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0121

Little Sheep Wildlife Area (Wallowa County)

The Little Sheep Wildlife Area is open to wildlife-oriented public use unless otherwise excluded or restricted.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0122

Lorens Drift Public Access (Trask River): (Tillamook County)

The Loren's Drift Public Access (Trask River; Tillamook County) is open for public use unless otherwise excluded or restricted by the following rules:

- (1) The public access is closed to the public between 10 pm and 3 am.
- (2) Open fires are prohibited.
- (3) Motorized vehicle travel is only allowed on open roads or parking areas.
- (4) Overnight parking of vehicles is prohibited.
- (5) Discharge of any firearm is prohibited.
- (6) Dogs are permitted on leash only.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0123

Lower Deschutes Wildlife Area (Sherman/Wasco Counties)

The Lower Deschutes Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2009 Lower Deschutes Wildlife Area Management Plan unless otherwise excluded or restricted by the Deschutes River Scenic Waterway Rules and the following additional rules:

(1) Open to the discharge of firearms only while hunting big game and game birds during authorized seasons or by permit; except that discharge of firearms is prohibited within the scenic waterway boundary from the third Saturday in May through August 31.

(2) Unauthorized motor vehicle use is prohibited.

(3) Horses and horseback riding are prohibited except by access permit issued by OPRD.

(4) Open fires are prohibited except as specified under the Scenic Waterway rules.

(5) Running or training of dogs is prohibited except during authorized bird hunting seasons.

(6) Camping is prohibited on river islands, areas posted "camping prohibited" within the Deschutes River Scenic Waterway and on state lands outside the Deschutes River Scenic Waterway in the Lower Deschutes Wildlife Area (Deschutes Scenic Waterway is an area extending 1/4-mile away from each bank of the river).

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162
Hist.: FWC 71-1984, f. & ef. 10-12-84; FWC 53-1994, f. & cert. ef. 8-25-94; DFW 40-2009, f. & cert. ef. 4-27-09; DFW 159-2011, f. 12-14-11, cert. ef. 1-1-12; DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0124

Lostine Wildlife Area (Wallowa County)

The Lostine Wildlife Area is open to wildlife-oriented public use unless otherwise excluded or restricted by the following rules:

(1) Camping is allowed, but may not exceed a total of 14 days during a 30 day period.

(2) Domestic sheep and goats are prohibited.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0126

Minam Wildlife Area (Wallowa County)

The Minam Wildlife Area is open to wildlife-oriented public use unless otherwise excluded or restricted by the following rules:

(1) Discharging of firearms is prohibited except during authorized game bird and game mammal seasons.

(2) Camping is prohibited.

(3) Open fires are prohibited.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0127

North Umpqua River, Winchester Ramp (Douglas County)

In addition to the provisions of OAR 635-008-0200, it is unlawful to launch or retrieve any power boat from North Umpqua River Ramp area, located approximately one mile upstream from Winchester Dam on the south side of the river at T26S R5W Sec 30.

Stat. Auth.: ORS 496
Stats. Implemented: ORS 496
Hist.: FWC 23-1984, f. & ef. 5-22-84; DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0130

Power City Wildlife Area (Umatilla County)

The Power City Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2008 Columbia Basin Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

(1) All dogs must be on a leash except during authorized game bird hunting seasons or by access permit issued by ODFW.

(2) Camping or overnight stay is prohibited.

(3) Open fires are prohibited.

(4) Discharging firearms other than shotguns is prohibited except by access permit issued by ODFW.

(5) Discharging a shotgun is prohibited except as authorized during game bird and game mammal seasons.

(6) No person shall possess or use any shot other than federally-approved nontoxic shot at any time, except for big game hunters using buckshot or slugs.

(7) The wildlife area is closed to the public between 10 pm and 4 am is prohibited except in designated parking areas.

(8) Leaving decoys set out overnight (10 pm through 4 am) is prohibited.

(9) Placing waterfowl hunting site closer than 200 yards apart is prohibited.

(10) Wildlife Area Parking Permit required.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(13); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 137-2008, f. & cert. ef. 10-27-08; DFW 108-2011, f. & cert. ef. 8-5-11; DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0135

Prineville Reservoir Wildlife Area (Crook County)

The Prineville Reservoir Wildlife Area is open to wildlife-oriented public use unless otherwise excluded or restricted by the following rules:

(1) The area is closed to motorized vehicle access from November 15 or December 1 (as posted at each gate) through April 15 annually for resource protection.

(2) Motorized vehicle travel is only allowed on open roads or parking areas.

(3) Discharging firearms is prohibited except as authorized during game bird and game mammal seasons, or by access permit issued by ODFW.

(4) Camping is prohibited except in designated areas.

(5) Campfires or open burning is prohibited except in designated campsites.

(6) Open fires are prohibited during designated fire closures.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162
Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(14); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 159-2011, f. 12-14-11, cert. ef. 1-1-12; DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0140

Riverside Wildlife Area (Harney/Malheur Counties)

The Riverside Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2009 Riverside Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

(1) Camping is prohibited.

(2) Open fires are prohibited.

(3) Motorized vehicle travel is only allowed on open roads or parking areas.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef.

ADMINISTRATIVE RULES

11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(15); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 40-2009, f. & cert. ef. 4-27-09; DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0145

St. Louis Ponds (Marion County)

(1) St. Louis Ponds is that area posted Department lands located in Sections 21, 22, 27, and 28, Township 5 South, Range 2 West of the Willamette Meridian in Marion County and containing 222 acres more or less.

(2) In the area described in section (1) of this rule it is unlawful to:

(a) Use the area for any purpose between one hour after sunset and one hour before sunrise;

(b) Use any floating craft on any pond;

(c) Swim or otherwise enter any pond;

(d) Build open fires;

(e) Discharge rifles and pistols;

(f) Discharge shotguns except during open seasons between the beginning of pheasant season and the end of waterfowl season, or during dog trials authorized by Department permit;

(g) Operate motor vehicles off established roads;

(h) Run dogs except in posted areas;

(i) Violate the terms of any permit issued by the Department.

(3) No person shall possess or use any shot other than federally-approved nontoxic shot at any time.

(4) Trapping is prohibited except by access permit issued by ODFW. Stat. Auth.: ORS 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.138, 496.146 & 496.162

Hist.: FWC 21-1980, f. & ef. 4-25-80, Renumbered from 635-008-0012; FWC 14-1983, f. & ef. 4-4-83; FWC 3-1994, f. 1-25-94, cert. ef. 1-26-94; DFW 5-2009, f. & cert. ef. 1-15-08; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 108-2011, f. & cert. ef. 8-5-11; DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0147

Rules Regarding Public Use for Sauvie Island Wildlife Area

The Sauvie Island Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2012 Sauvie Island Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

(1) Hunting is prohibited except by daily hunt permit.

(2) Discharging firearms is prohibited except for shotguns on designated Dog Training Areas, Trapshooting Areas, or as authorized during game bird and game mammal season.

(3) The wildlife area is closed to the public between 10 pm and 4 am.

(4) Camping is prohibited.

(5) All dogs must be on leash, except while hunting during seasons authorized on Sauvie Island Wildlife Area, or pursuant to a valid "Competitive Hunting Dog Trial Permit" or "Sauvie Island Wildlife Area Individual Dog Training Permit."

(6) Domestically-raised game birds may only be released, pursued or taken pursuant to:

(a) a valid "Competitive Hunting Dog Trial Permit" or;

(b) a valid "Game Bird Release Permit for Hunting Dog and Raptor Training" and a "Sauvie Island Wildlife Area Individual Dog Training Permit" or;

(c) as authorized by the Department.

(7) Open fires are prohibited.

(8) Any vehicle found parked or unattended on the Wildlife Area between the hours of 10 pm and 4 am, or obstructing public access, may be towed at the expense of the registered owner or owners.

(9) No person shall possess or use lead shot at any time.

(10) Horses and bicycles are restricted to roads open to vehicles.

(11) Portions of Sauvie Island Wildlife Area are closed to all entry except by hunting permit during authorized waterfowl hunting seasons.

(12) Portions of Sauvie Island Wildlife Area will be closed from the end of waterfowl hunting season through April 30 each year.

(13) The use of airguns, BB guns and paintball guns is prohibited.

(14) Operation of boats in Sturgeon Lake Refuge is prohibited from Oct. 1 to April 15. Operating boats over 5 mi per hour is prohibited on all area lakes. Sturgeon Lake Refuge is closed to all hunting year-round.

(15) Closed to hunting of furbearers, predators, unprotected and protected wildlife (except black-tailed deer, rabbit, crow, Eurasian collared-dove and game birds).

(16) Trapping is prohibited except by access permit issued by ODFW. (17) Wildlife Area Parking Permit required.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef.

11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(16); FWC 12-1990, f. & cert. ef. 2-2-90, Renumbered from 635-008-0150; FWC 8-1993, f. & cert. ef. 2-8-93; FWC 53-1994, f. & cert. ef. 8-25-94; DFW 26-2009(Temp), f. & cert. ef. 3-11-09 thru 8-10-09; DFW 32-2009(Temp), f. & cert. ef. 3-30-09 thru 8-10-09; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 42-2012, f. & cert. ef. 4-24-12; DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0153

Phillip W. Schneider Wildlife Area (Grant County)

The Phillip W. Schneider Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2006 Phillip W. Schneider Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

(1) Motorized vehicle travel is only allowed on open roads or parking areas and up to 300 feet off open roads for the purpose of moving to and from campsites. Some roads are closed seasonally from December 1 through April 14.

(2) Camping along the South Fork John Day road is open yearlong. On the remainder of the wildlife area camping is prohibited except during the period April 15 through November 30. Camping may not exceed 14 days per stay.

(3) Campfires or open burning is prohibited except at campsites. Open fires are prohibited during designated fire closures.

(4) The area is closed to entry during the period of February 1 through April 14, including BLM land within the exterior boundaries of the Wildlife Area, except by access permit issued by ODFW.

(5) Wildlife Area Parking Permit required.

Stat. Auth.: ORS 496.012, 496.138, 496.146, & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146, & 496.162

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(12); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 30-2000, f. & cert., ef. 6-14-00, Renumbered from 635-008-0125; DFW 118-2006, f. & cert. ef. 10-16-06; DFW 168-2010, f. 12-29-10, cert. ef. 1-1-11; DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0154

Smith River, Lower Take Out (Douglas County)

In addition to the provisions of OAR 635-008-0200, it is unlawful to launch boats from Smith River Lower Take Out area, located approximately seven road miles upstream from the mouth of North Fork Smith River on the north side of Smith River at T20S R10W Sec 35.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 23-1984, f. & ef. 5-22-84; DFW 30-2000, f. & cert., ef. 6-14-00, Renumbered from 635-008-0152; DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0155

Summer Lake Wildlife Area (Lake County)

The Summer Lake Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2007 Summer Lake Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

(1) Posted Refuges are closed to all entry seven days prior to opening day through the end of Zone 2 general waterfowl season during authorized game bird and game mammal hunting seasons, except to retrieve lawfully taken wildlife, or by access permit issued by ODFW.

(2) Entering any portion of the Wildlife Area south of Thousand Springs Lane (Lake County Road 4-17), except the Foster Place unit and open roads and campgrounds, seven days prior to Zone 2 waterfowl season (see game bird regulations for specific dates) is prohibited.

(3) Discharging firearms is prohibited except as authorized during game bird and game mammal hunting seasons, between September 1 and January 31 or by access permit issued by ODFW.

(4) Discharging firearms into and hunting in posted refuges, campgrounds and safety zones is prohibited.

(5) Centerfire rifles and handguns are prohibited for game mammal hunting except on that portion of the wildlife area west of Hwy. 31.

(6) No person shall hunt game mammals east of Hwy. 31 during any game bird hunting seasons open on the wildlife area.

(7) No person shall possess or use any shot other than federally-approved nontoxic shot at any time, except for big game hunters using buckshot or slugs or by access permit issued by ODFW.

(8) No person shall leave decoys set out overnight (8 pm to 4 am).

(9) All hunters must obtain a daily hunt permit (available at Headquarters 1.3 miles south of the town of Summer Lake). Daily permits for 2 consecutive days are allowed. Check-out at the end of the day or following 2 consecutive days is required.

(10) Trapping is prohibited except by access permit issued by ODFW.

ADMINISTRATIVE RULES

(11) Motorized vehicle travel is only allowed on open roads, campsites or parking areas.

(12) Bullgate and Windbreak dikes and the Work Road are closed to motor vehicles from March 15 to August 15 and one week prior to and through the end of Zone 2 general waterfowl and during youth waterfowl hunting seasons.

(13) Operating boats with gas-powered motors is prohibited.

(14) Camping or leaving vehicles unattended is prohibited except on areas designated for that use, and may not exceed a total of 14 days per stay in a 30 day period, except by access permit issued by ODFW.

(15) Running or training of dogs is prohibited except by access permit issued by ODFW.

(16) Wildlife Area Parking Permit required.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(17); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 118-2007, f. 10-31-07, cert. ef. 1-1-08; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 117 2010, f. & cert. ef. 8-13-10; DFW 108-2011, f. & cert. ef. 8-5-11; DFW 159-2011, f. 12-14-11, cert. ef. 1-1-12; DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0163

Tami Wagner Wildlife Area (Lincoln County)

The Tami Wagner Wildlife Area is open for wildlife-oriented public use unless otherwise excluded or restricted by the following rules:

(1) Discharging firearms is prohibited except as authorized during game bird and game mammal seasons or by permit.

(2) Camping is prohibited except by access permit issued by ODFW.

(3) Unauthorized motor vehicle use is prohibited.

Stat. Auth.: 496.012, 496.138, 496.146, & 496.162

Stats. Implemented: 496.012, 496.138, 496.146, & 496.162

Hist.: DFW 68-2011, f. 6-15-11, cert. ef. 7-1-11; DFW 108-2011, f. & cert. ef. 8-5-11; DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0164

Wallowa Wildlife Area (Wallowa County)

The Wallowa Wildlife Area is open to wildlife-oriented public use unless otherwise excluded or restricted by the following rules:

(1) Discharging of firearms is prohibited except during authorized game bird and game mammal seasons.

(2) Camping is prohibited.

(3) Open fires are prohibited.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0165

Warm Springs Wildlife Area (Jefferson County)

The Warm Springs Wildlife Area is open to wildlife-oriented public use unless otherwise excluded or restricted by the following rules:

(1) Camping is prohibited.

(2) Discharging firearms is prohibited west of Hwy 26.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(19); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0170

Wenaha Wildlife Area (Wallowa County)

The Wenaha Wildlife Area is open to wildlife-oriented public use compatible with goals and objectives contained in the 2007 Wenaha Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

(1) Motorized vehicle travel is only allowed on open roads or parking areas and up to 300 feet off open roads for the purpose of moving to and from campsites.

(2) Camping is prohibited except on areas designated for that use, or by access permit issued by ODFW, and may not exceed a total of 14 days during a 30-day period.

(3) Campfires or open burning is prohibited except at campsites. Open fires are prohibited during designated fire closures.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(20); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 27-2007 f. & cert. ef. 4-19-07; DFW 118-2007, f. 10-31-07, c. cert. ef. 1-1-08; DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0175

White River Wildlife Area (Wasco County)

The White River Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2007 White River Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

(1) Motorized vehicle travel is only allowed on open roads, designated campsites or parking areas. No cross country travel or off road motor vehicle use is allowed, except by permit or for administrative use.

(2) ATV/OHV and snowmobile uses are prohibited on all area lands except by access permit issued by ODFW or for administrative use.

(3) Camping is prohibited except in designated campsites or by permit, and may not exceed 14 days in any 30 day period.

(4) Campfires and open burning are prohibited except at designated campsites. All fires are prohibited during designated fire closures.

(5) Dogs are prohibited from running at large except during authorized game bird hunting seasons or by access permit issued by ODFW.

(6) Wildlife Area Parking Permit required.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(21); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 118-2007, f. 10-31-07, cert. ef. 1-1-08; DFW 147-2012, f. 12-18-12, cert. ef. 1-1-13; DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0185

Willow Creek Wildlife Area (Morrow County)

The Willow Creek Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2008 Columbia Basin Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

(1) All dogs must be on a leash except during authorized game bird hunting seasons, or by access permit issued by ODFW.

(2) Camping or overnight stay is prohibited.

(3) Open fires are prohibited.

(4) Discharging firearms is prohibited except as authorized during game bird, game mammal, furbearer seasons or for the hunting of nongame non protected wildlife, or by access permit issued by ODFW.

(5) No person shall possess or use any shot other than federally-approved nontoxic shot at any time, except for big game hunters using buckshot or slugs.

(6) Entry into the area between 10 pm and 4 am is prohibited except in designated parking areas.

(7) No person shall leave decoys set out overnight (10 pm through 4 am).

(8) Placing waterfowl hunting site closer than 200 yards apart is prohibited.

(9) Wildlife Area Parking Permit required.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(23); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 137-2008, f. & cert. ef. 10-27-08; DFW 108-2011, f. & cert. ef. 8-5-11; DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0190

E.E. Wilson Wildlife Area (Benton/Polk Counties)

The E. E. Wilson Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2008 E. E. Wilson Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

(1) All hunting is prohibited March 1 through July 31.

(2) Hunting and fishing is prohibited except:

(a) as authorized during game bird, big game and fishing seasons;

(b) the hunting of nongame non protected wildlife;

(c) furbearer trapping and hunting is prohibited except by access permit issued by ODFW;

(d) hunting for rabbits is permitted from November 1 through February.

(3) Hunters must fill out a Public Hunt Area Permit.

(4) Open to the discharge of firearms only while hunting big game and game birds during authorized seasons, at the trap shooting area from 7am-7pm daily or by access permit issued by ODFW.

(5) Hunting with or discharging rifles, handguns, crossbows, air guns and paintball guns is prohibited.

ADMINISTRATIVE RULES

(6) Big game hunting is closed when youth pheasant hunts are in progress.

(7) During the week between the youth pheasant hunts, game bird hunting is prohibited.

(8) All game bird hunters must have a valid Fee Pheasant tag on their person during the month of October.

(9) No person shall possess or use any shot other than federally-approved nontoxic shot at any time, except for big game hunters using buckshot or slugs.

(10) During the month of October, all hunting ends at 5pm.

(11) All dogs must be on a leash except during authorized game bird and rabbit hunting seasons, or by access permit issued by ODFW.

(12) Camping is prohibited except by access permit issued by ODFW.

(13) Horses and other domestic livestock use are restricted to established roads only.

(14) The wildlife area is closed to the public between 10 pm and 4 am.

(15) Motorized vehicle travel is only allowed on open roads or parking areas.

(16) All participants using the trap range or archery range must adhere to the posted rules and guidelines.

(17) Open fires are prohibited.

(18) Wildlife Area Parking Permit required.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(24); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 137-2008, f. & cert. ef. 10-27-08; DFW 108-2011, f. & cert. ef. 8-5-11; DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0197

Woodburn Ponds (Marion County)

In addition to the provisions in OAR 635-008-0200, it is unlawful at Woodburn Ponds to:

(1) Discharge any firearm.

(2) Operate any motor-propelled craft, except craft propelled by electric motors.

(3) Use the area for any purpose between one hour after sunset and one hour before sunrise.

Stat. Auth.: ORS 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.138, 496.146 & 496.162

Hist.: FWC 14-1983, f. & ef. 4-4-83; FWC 3-1994, f. 1-25-94, cert. ef. 1-26-94; DFW 117-2014, f. & cert. ef. 8-7-14

635-008-0200

All Other Department Controlled Lands

On all other Department controlled lands which are not listed within these rules and are open to the public for angling, the following restrictions apply:

(1) Discharging rifles and pistols is prohibited.

(2) Motorized vehicle travel is only allowed on open roads or parking areas.

(3) Camping is prohibited.

(4) Dogs are prohibited from running at large except during authorized game bird hunting seasons or by access permit issued by ODFW.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Hist.: FWC 30-1982, f. & ef. 5-18-82; FWC 53-1994, f. & cert. ef. 8-25-94; DFW 117-2014, f. & cert. ef. 8-7-14

635-065-0625

Regulations on State and Federal Wildlife Areas, Refuges and Special Areas

State and Federal wildlife areas, refuges and special areas listed below shall be open to hunting during authorized seasons, subject to the following special regulations and exceptions:

(1) Bear Valley National Wildlife Refuge (Klamath County): Closed to all public entry except walk-in deer hunting prior to November 1.

(2) Cascade Head — Lincoln City Area: The Cascade Head — Lincoln City Area is closed to hunting with centerfire rifles, muzzleloaders, or handguns. Hunting is restricted to archery and shotguns only during authorized seasons, except for Department approved emergency hunts. Hunters using shotguns for elk shall use slugs (single projectile) only. The Cascade Head — Lincoln City Area boundaries shall be defined as follows: Beginning at the Pacific Ocean and Siletz River mouth, east along the north shoreline of the Siletz River to Drift Cr. Rd. (mile post 1 on Hwy 229); north on Drift Cr. Rd. to Anderson Cr. Rd.; north on Anderson Cr. Rd. to Schooner Cr. Rd.; west on Schooner Cr. Rd. to Forest Rd. 2200; north and

east on FR 2200 to FR 1726; west on FR 1726 to FR 2100; northeast on FR 2100 to the power line crossing; north along the power line to State Hwy. 18; west on Hwy 18 to Old Scenic Hwy 101; north on Old Scenic Hwy 101 to Three Rocks Rd.; west on Three Rocks Rd. to U.S. Hwy 101; north on Hwy 101 to FR 1861; west on FR 1861 to Harts Cove trailhead; west on Harts Cove trail to the Pacific Ocean; south along the coastline to the Siletz River, point of beginning.

(3) Cold Springs Refuge (Umatilla County): The Cold Springs Refuge shall be closed to deer and elk hunting.

(4) Dean Creek Elk Viewing Area (Douglas County): All Bureau of Land Management lands within or contiguous to BLM lands within T22S R11W (including Spruce Reach Island located adjacent to Hwy. 38 and between the outlets of Koapke and Hinsdale Sloughs) are closed to hunting. Also, other lands located within the following boundary are closed to hunting during all elk and deer seasons that pertain to this area: beginning at the intersection of Schofield Rd. and Hwy. 38, south on Schofield Rd. to its intersection with Hakki Ridge Rd., east on Hakki Ridge Rd. to the crest of Hakki Ridge, east along the crest of Hakki Ridge to its intersection with the BLM boundary located in T22S, R11W Section 4, easterly along the BLM boundary to Hwy. 38, west on Hwy 38 to point of beginning.

(5) Dunes National Recreational Area: Use of rifles and handguns is prohibited for all hunting in that portion of the Siuslaw Unit west of Highway 101 and north of Tahkenitch Creek.

(6) North Bank Habitat Management Area (NBHMA; previously known as the Dunning Ranch Area in Douglas County): 6,500 acres located approximately eight miles northeast of Roseburg. Area: All BLM lands located in T25S, R5W, Sections 35,36; T26S, R5W, Sections 1,2,11,12,13,14; T25S, R4W, Sections 31,32,33; T26S, R4W, Sections 4,5,6,7,8,18. This area is closed to all big game hunting except for and during controlled hunts specific to the management area NBHMA by hunters possessing a controlled hunt tag for the area. Elk hunting will be allowed by hunters who possess a valid NBHMA controlled hunt tag in addition to a valid elk tag. The use of bait for hunting game mammals is prohibited on NBHMA. All BLM lands located in T25S, R5W, Sections 35, 36; T26S, R5W, Sections 1, 2, 11, 12, 13, 14; T25S, R4W, Sections 31,32, 33; T26S, R4W, Sections 4, 5, 6, 7, 8, 18 (6,500 acres located approximately 8 miles northeast of Roseburg).

(7) William Finley National Wildlife Refuge (Benton County):

(a) Portions of the refuge shall be open to deer hunting August 24 through September 22, 2013 under the regulations for bowhunting seasons.

(b) Portions of the refuge are open to deer hunting by hunters with a 615 controlled hunt tag using only archery equipment during September 1–September 22, 2013 and using shotguns or archery from September 23–November 1, 2013 .

(c) Portions of the refuge shall be open to deer hunting September 28 through November 1, 2013 under regulations for the general western Oregon deer buck season. Use of rifles or muzzleloaders is prohibited.

(d) All hunters shall obtain a refuge permit and check in and out of the refuge daily. Information on open areas and special regulations are available at the refuge.

(8) Government Island State Recreation Area (Multnomah County): Use of rifles, handguns, and shotguns with slugs or buckshot, and bows is prohibited at all times.

(9) Hart Mountain National Antelope Refuge (Lake County): Portions of the refuge shall be open for hunting as prescribed under chukar season, controlled pronghorn antelope and bighorn sheep hunts, deer bowhunting season, and muzzleloader deer season. The refuge is open for pronghorn antelope Mandatory Reporting Incentive tag holders, and pronghorn antelope and

bighorn sheep auction and raffle tag holders but is closed for Access and Habitat deer and elk auction and raffle and Mandatory Reporting Incentive tag holders.

(10) Heppner Regulated Hunt Area: bowhunting; open fires and camping prohibited in posted areas. Approximately 63 square miles in Townships 2, 3, 4, and 5 South, Ranges 25, 26, 27 and 28 East;

(11) John Day Fossil Beds National Monument: Those parts of the National Monument in the Grizzly, Biggs, Fossil, and Northside Units are closed to all hunting and trapping.

(12) John Day River Refuge: Includes all land within 1/4 mile of the John Day River mean high water line from the Columbia River upstream to Thirty Mile Creek. Within this area, from the Columbia Rvr upstream to Rock Cr, the area shall be open to hunting of upland game birds during authorized seasons only between September 1 and October 31 annually but closed to all waterfowl hunting. The remaining area from Rock Cr upstream

ADMINISTRATIVE RULES

to Thirty Mile Cr is open to the hunting of all game birds during authorized seasons. Hunting of big game is allowed during authorized seasons.

(13) Klamath Marsh National Wildlife Refuge: This area is closed to all deer and elk hunting.

(14) Long Ranch (Linn County): Forty-eight acres in T13S, R4E, and S32 are closed to all hunting.

(15) Lost Valley Ranch RHA: Open to public access and hunting from August 1 to March 31. Camping, horseback riding, and open fires are prohibited. Closed to all motor vehicle use unless posted otherwise. (Approximately 9 square miles in T5 and 6S, and R22 and 23E).

(16) Malheur National Wildlife Refuge (Harney County): Portions of the refuge in Blitzen Valley lying west of State Highway 205 is open during authorized rifle and bow deer and pronghorn antelope seasons.

(17) McDonald Forest-Dunn Forest Area (Benton County): The area is closed to all hunting except during controlled hunts as authorized by the commission.

(18) McKay Creek Refuge (Umatilla County): This refuge is closed to deer and elk hunting.

(19) Metolius Wildlife Refuge (Jefferson County): All hunting, injuring, taking, killing, or destroying any wild bird or mammal on public land is prohibited on public lands within T12 and T13S, R9E, bounded by USFS road 1420 and 1419 on the west; road 1400 on the south and east; and road 1420-400, Metolius River, and posted boundary from the Metolius River to road 1400 on the north (approximately five square miles). 36 CFR 261.58(v).

(20) Mill Creek Watershed (Umatilla County): This watershed is closed to all access and hunting except by holders of a Mill Creek Watershed controlled elk tag or a Mill Creek Watershed controlled deer tag and a Forest Service entry permit.

(21) Newberry Crater Wildlife Refuge (Deschutes County): All hunting, injuring, taking, killing, or destroying any wild bird or mammal is prohibited on public lands within the rim of Newberry Crater in: T21S, R12E; T22S, R12E; T21S, R13E; T22S, R13E (approximately 15 square miles).

(22) Rimrock Springs Wildlife Area (Grizzly Unit): This area is closed to all hunting.

(23) Rogue River Area:

(a) All land within one mile of the Rogue River between Grave Creek and Lobster Creek is closed to bear hunting.

(b) All land within 1/4 mile of the Rogue River in the wild river section from Grave Creek downstream to Watson Creek is closed to all hunting except during authorized seasons.

(24) Saddle Mountain Unit (White-tailed Deer Area): That portion of Saddle Mountain Wildlife Unit north of Burlington Northern railroad tracks to Astoria is closed to all deer hunting.

(25) Snake River Islands (Malheur County): Closed to hunting with rifles.

(26) South Slough National Estuarine Reserve: Specific areas are closed to hunting due to public health and safety. Contact reserve headquarters office for specific closures.

(27) Starkey Experimental Forest Enclosure (Union County): That portion of The Starkey Experimental Forest within the eight foot high elk-proof fence enclosure is closed to all hunting during deer and elk season except for persons possessing a controlled hunt tag for the area. A posted 1/4 mile buffer zone on the National Forest lands surrounding the enclosure is closed to all hunting with a centerfire rifle or bow. The enclosure is open to deer and elk hunting only by permit during controlled hunts. The main study area is open to hunting of other species during authorized seasons. The 12-foot right-of-way along each side of all eight foot-high perimeter and internal game fences is closed to all motorized travel. Public entry is allowed only through the main gate. The Experimental Forest is closed to all public entry during the winter closure, which runs from the day after the controlled antlerless elk hunt until May 1 annually.

Access and Habitat auction or raffle tag holders are not eligible to hunt in the Starkey Experimental Forest enclosure.

(28) Umatilla Refuge (Morrow County): This refuge is closed to deer and elk hunting except during controlled hunts specific to the refuge and emergency hunts as provided in OAR chapter 635, division 078.

(29) Wallowa Lake (Wallowa County): All land on or within 1/4 mile of the Wallowa River from Wallowa Lake upstream to the falls and within 1/4 mile along the west side of Wallowa Lake from the Wallowa Lake State Park to the Wallowa River outlet is closed to all big game hunting.

(30) Willamette River Greenway Corridor: Hunting is permitted with shotguns or bows and arrows only during authorized season on Willamette River Greenway parcels, except in those parcels where hunting is prohibited.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 123, f. & ef. 6-9-77; FWC 33-1978, f. & ef. 6-30-78; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82; FWC 28, f. & ef. 7-8-83; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 41-1987, f. & ef. 7-6-87; FWC 38-1988, f. & cert. ef. 6-13-88; FWC 94-1988(Temp), f. & cert. ef. 9-19-88; FWC 15-1989, f. & cert. ef. 3-28-89; FWC 63-1989, f. & cert. ef. 8-15-89; FWC 24-1990, f. & cert. ef. 3-21-90; FWC 55-1990, f. & cert. ef. 6-21-90; FWC 20-1991, f. & cert. ef. 3-12-91; FWC 58-1991, f. & cert. ef. 6-24-91; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 4-1995, f. 1-23-95, cert. ef. 7-1-95; FWC 18-1996, f. 4-10-96, cert. ef. 8-1-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 9-2003(Temp), f. & cert. ef. 1-28-03 thru 6-16-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 127-2006, f. 12-7-06, cert. ef. 1-1-07; DFW 118-2007, f. 10-31-07, cert. ef. 1-1-08; DFW 150-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10; DFW 168-2010, f. 12-29-10, cert. ef. 1-1-11; DFW 159-2011, f. 12-14-11, cert. ef. 1-1-12; DFW 147-2012, f. 12-18-12, cert. ef. 1-1-13; DFW 80-2013(Temp), f. 7-25-13, cert. ef. 7-26-13 thru 1-21-14; Administrative correction, 2-24-14; DFW 117-2014, f. & cert. ef. 8-7-14

Rule Caption: Columbia River Treaty Indian Commercial Gill Net Salmon Seasons Set.

Adm. Order No.: DFW 118-2014(Temp)

Filed with Sec. of State: 8-7-2014

Certified to be Effective: 8-18-14 thru 10-31-14

Notice Publication Date:

Rules Amended: 635-041-0075

Rules Suspended: 635-041-0075(T)

Subject: This amended rule allows commercial sales of fish caught during the Treaty Indian commercial fall salmon gill net fishery in the Columbia River and its Washington tributaries. The first of five fishing periods authorized for the fall gill net fishery is scheduled to begin at 6:00 a.m. Monday, August 18, 2014. Modifications are consistent with action taken August 7, 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

635-041-0075

Fall Salmon Season

(1) Salmon, steelhead, shad, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from Zone 6, in the Columbia River Treaty Indian platform and hook-and-line fisheries, from: 12:01 a.m. Friday, August 1 through 11:59 p.m. Friday, October 31, 2014.

(a) Gear used in the fishery described above is restricted to subsistence fishing gear which includes hoopnets, dipnets, and rod and reel with hook-and-line.

(b) Closed areas as set forth in OAR 635-041-0045 remain in effect with the exception of Spring Creek Hatchery sanctuary.

(2) Salmon, steelhead, shad, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from Zone 6, in the Columbia River Treaty Indian gill net fisheries, during the following periods:

6:00 a.m. Monday, August 18 through 6:00 p.m. Friday, August 22, 2014 (4.5 days);

6:00 a.m. Monday, August 25 through 6:00 p.m. Saturday, August 30, 2014 (5.5 days);

6:00 a.m. Tuesday, September 2 through 6:00 p.m. Saturday, September 6, 2014 (4.5 days);

6:00 a.m. Monday, September 8 through 6:00 p.m. Saturday, September 13, 2014 (5.5 days); and

6:00 a.m. Monday, September 15 through 6:00 p.m. Friday, September 19, 2014 (4.5 days).

(a) Salmon, steelhead, shad, yellow perch, bass, walleye, catfish and carp landed during any open gill net fishing period may be sold at any time or retained for subsistence purposes. Sturgeon may not be sold. However, white sturgeon between 43 and 54 inches in fork length taken from The Dalles and John Day pools and white sturgeon between 38 and 54 inches in fork length taken from the Bonneville Pool may be kept for subsistence purposes. Fish caught during any open period may be sold at any time.

(b) Gear is restricted to gill nets with an 8-inch minimum mesh size.

(c) Closed areas in Zone 6, including the standard Spring Creek sanctuary, are in effect as set forth in OAR 635-041-0045.

(3) For the period beginning 12:01 a.m. Friday, August 1 through 11:59 p.m. Friday, October 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 fish-

ADMINISTRATIVE RULES

ing periods. Gear is restricted to subsistence fishing gear which includes hoopnets, dipnets, and rod and reel with hook-and-line, except that fish may also be taken by gill net in Drano Lake.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: FWC 25-1979, f. & ef. 8-2-79; FWC 36-1979(Temp), f. & ef. 8-22-79; FWC 47-1979(Temp), f. & ef. 9-21-79; FWC 44-1980(Temp), f. & ef. 8-22-80; FWC 46-1980(Temp), f. & ef. 9-13-80; FWC 33-1981(Temp), f. & ef. 9-15-81; FWC 58-1982(Temp), f. & ef. 8-27-82; FWC 62-1982(Temp), f. & ef. 9-7-82; FWC 63-1982(Temp), f. & ef. 9-14-82; FWC 75-1982(Temp), f. & ef. 10-29-82; FWC 36-1983, f. & ef. 8-18-83; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 51-1983(Temp), f. & ef. 9-30-83; FWC 55-1983(Temp), f. & ef. 10-4-83; FWC 46-1984, f. & ef. 8-30-84; FWC 55-1984(Temp), f. & ef. 9-10-84; FWC 58-1984(Temp), f. & ef. 9-17-84; FWC 61-1984(Temp), f. & ef. 9-21-84; FWC 70-1984(Temp), f. & ef. 10-9-84; FWC 47-1985, f. & ef. 8-23-85; FWC 60-1985(Temp), f. & ef. 9-13-85; FWC 63-1985(Temp), f. & ef. 9-24-85; FWC 42-1986, f. & ef. 8-15-86; FWC 53-1986(Temp), f. & ef. 9-4-86; FWC 54-1986(Temp), f. & ef. 9-5-86; FWC 57-1986(Temp), f. & ef. 9-11-86; FWC 60-1986(Temp), f. & ef. 9-26-86; FWC 62-1986(Temp), f. & ef. 10-2-86; FWC 63-1987, f. & ef. 8-7-87; FWC 74-1987(Temp), f. & ef. 9-4-87; FWC 75-1987(Temp), f. & ef. 9-1-87; FWC 78-1987(Temp), f. & ef. 9-15-87; FWC 80-1987(Temp), f. & ef. 9-18-87; FWC 87-1987(Temp), f. & ef. 10-9-87; FWC 89-1987(Temp), f. & ef. 10-12-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 72-1988(Temp), f. & cert. ef. 8-19-88; FWC 77-1988(Temp), f. & cert. ef. 9-2-88; FWC 91-1988(Temp), f. & cert. ef. 9-16-88; FWC 95-1988(Temp), f. & cert. ef. 9-28-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 87-1989(Temp), f. & cert. ef. 9-1-89; FWC 95-1989(Temp), f. & cert. ef. 9-19-89; FWC 96-1989(Temp), f. & cert. ef. 9-21-89; FWC 99-1989(Temp), f. & cert. ef. 9-27-89; FWC 100-1989(Temp), f. & cert. ef. 9-28-89; FWC 80-1990(Temp), f. & cert. ef. 8-8-90; FWC 90-1990, f. & cert. ef. 8-31-90; FWC 96-1990(Temp), f. & cert. ef. 9-10-90; FWC 98-1990(Temp), f. & cert. ef. 9-17-90; FWC 85-1991, f. & cert. ef. 8-12-91; FWC 96-1991, f. & cert. ef. 9-9-91; FWC 101-1991(Temp), f. & cert. ef. 9-10-91; FWC 103-1991(Temp), f. & cert. ef. 9-18-91; FWC 110-1991(Temp), f. & cert. ef. 9-27-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 86-1992(Temp), f. & cert. ef. 9-2-92; FWC 87-1992(Temp), f. & cert. ef. 9-7-92; FWC 91-1992(Temp), f. & cert. ef. 9-16-92, cert. ef. 9-17-92; FWC 96-1992(Temp), f. & cert. ef. 9-23-92; FWC 105-1992(Temp), f. & cert. ef. 10-5-92; FWC 107-1992(Temp), f. & cert. ef. 10-9-92; FWC 47-1993, f. & cert. ef. 8-6-93, cert. ef. 8-9-93; FWC 52-1993, f. & cert. ef. 8-30-93; FWC 57-1993(Temp), f. & cert. ef. 9-13-93; FWC 59-1993(Temp), f. & cert. ef. 9-17-93, cert. ef. 9-20-93; FWC 61-1993(Temp), f. & cert. ef. 9-24-93; FWC 55-1994(Temp), f. & cert. ef. 8-26-94, cert. ef. 8-29-94; FWC 61-1994(Temp), f. & cert. ef. 9-8-94; FWC 74-1994(Temp), f. & cert. ef. 10-12-94; FWC 68-1995(Temp), f. & cert. ef. 8-25-95, cert. ef. 8-29-95; FWC 72-1995(Temp), f. & cert. ef. 9-1-95; FWC 75-1995(Temp), f. & cert. ef. 9-12-95, cert. ef. 9-13-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1996(Temp), f. & cert. ef. 9-2-96; FWC 51-1996(Temp), f. & cert. ef. 9-6-96, cert. ef. 9-9-96; FWC 53-1996(Temp), f. & cert. ef. 9-26-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 52-1997(Temp), f. & cert. ef. 8-29-97, cert. ef. 9-2-97; FWC 57-1997, f. & cert. ef. 9-9-97; FWC 60-1997(Temp), f. & cert. ef. 9-16-97, cert. ef. 9-17-97; FWC 68-1998(Temp), f. & cert. ef. 8-25-98 thru 9-25-98; FWC 76-1998(Temp), f. & cert. ef. 9-8-98 thru 9-25-98; FWC 77-1998(Temp), f. & cert. ef. 9-14-98, cert. ef. 9-15-98 thru 9-25-98; FWC 79-1998(Temp), f. & cert. ef. 9-22-98 thru 9-25-98; FWC 80-1998(Temp), f. & cert. ef. 9-23-98, cert. ef. 9-24-98 thru 9-25-98; FWC 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; FWC 62-1999(Temp), f. & cert. ef. 9-3-99 thru 9-11-99; FWC 65-1999(Temp), f. & cert. ef. 9-14-99, cert. ef. 9-15-99 thru 9-17-99; FWC 69-1999(Temp), f. & cert. ef. 9-17-99 thru 9-18-99; FWC 72-1999(Temp), f. & cert. ef. 9-22-99 thru 10-22-99; FWC 74-1999(Temp), f. & cert. ef. 9-28-99, cert. ef. 9-29-99 thru 10-22-99; Administrative correction 11-17-99; FWC 50-2000(Temp), f. & cert. ef. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; FWC 60-2000(Temp), f. & cert. ef. 9-11-00, cert. ef. 9-12-00 thru 12-31-00; FWC 61-2000(Temp), f. & cert. ef. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; Administrative correction 6-19-01; FWC 75-2001(Temp), f. & cert. ef. 8-20-01 thru 9-8-01; FWC 87-2001(Temp), f. & cert. ef. 9-11-01 thru 9-15-01; FWC 91-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; FWC 94-2001(Temp), f. & cert. ef. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; FWC 100-2001(Temp), f. & cert. ef. 10-16-01, cert. ef. 10-17-01 thru 12-31-01; FWC 89-2002(Temp), f. & cert. ef. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; FWC 98-2002(Temp), f. & cert. ef. 8-30-02 thru 12-31-02; FWC 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; FWC 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; FWC 113-2002(Temp), f. & cert. ef. 10-14-02, cert. ef. 10-15-02 thru 12-31-02; FWC 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; FWC 81-2003(Temp), f. & cert. ef. 8-25-03, cert. ef. 8-26-03 thru 12-31-03; FWC 91-2003(Temp), f. & cert. ef. 9-12-03, cert. ef. 9-16-03 thru 12-31-03; FWC 97-2003(Temp), f. & cert. ef. 9-22-03, cert. ef. 9-24-03 thru 12-31-03; FWC 101-2003(Temp), f. & cert. ef. 9-26-03, cert. ef. 10-1-03 thru 12-31-03; FWC 103-2003(Temp), f. & cert. ef. 10-8-03 thru 12-31-03; FWC 104-2003(Temp), f. & cert. ef. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; FWC 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; FWC 95-2004(Temp), f. & cert. ef. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; FWC 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; FWC 104-2004(Temp), f. & cert. ef. 10-12-04, cert. ef. 10-13-04 thru 12-31-04; FWC 110-2004(Temp), f. & cert. ef. 10-29-04 thru 12-31-04; Administrative correction, 2-18-05; FWC 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; FWC 104-2005(Temp), f. & cert. ef. 9-12-05 thru 12-31-05; FWC 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; FWC 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; FWC 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; FWC 71-2006(Temp), f. & cert. ef. 7-31-06, cert. ef. 8-1-06 thru 12-31-06; FWC 86-2006(Temp), f. & cert. ef. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; FWC 94-2006(Temp), f. & cert. ef. 9-8-06, cert. ef. 9-11-06 thru 12-31-06; FWC 101-2006(Temp), f. & cert. ef. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; FWC 107-2006(Temp), f. & cert. ef. 9-28-06, cert. ef. 10-3-06 thru 12-31-06; FWC 115-2006(Temp), f. & cert. ef. 10-13-06, cert. ef. 10-15-06 thru 12-31-06; Administrative correction 1-16-07; FWC 60-2007(Temp), f. & cert. ef. 8-1-07 thru 12-31-07; FWC 77-2007(Temp), f. & cert. ef. 8-17-07, cert. ef. 8-22-07 thru 12-31-07; FWC 88-2007(Temp), f. & cert. ef. 9-10-07, cert. ef. 9-11-07 thru 12-31-07; FWC 95-2007(Temp), f. & cert. ef. 9-21-07, cert. ef. 9-25-07 thru 12-31-07; FWC 100-2007(Temp), f. & cert. ef. 9-28-07, cert. ef. 10-3-07 thru 12-31-07; FWC 110-2007(Temp), f. & cert. ef. 10-16-07, cert. ef. 10-20-07 thru 12-31-07; FWC 106-2008(Temp), f. & cert. ef. 9-4-08, cert. ef. 9-6-08 thru 10-31-08; FWC 109-2008(Temp), f. & cert. ef. 9-12-08, cert. ef. 9-15-08 thru 10-31-08; FWC 112-2008(Temp), f. & cert. ef. 9-17-08, cert. ef. 9-18-08 thru 10-31-08; FWC 117-2008(Temp), f. & cert. ef. 9-22-08 thru 10-31-08; FWC 122-2008(Temp), f. & cert. ef. 9-29-08 thru 10-31-08; FWC 125-2008(Temp), f. & cert. ef. 10-6-08, cert. ef. 10-7-08 thru 10-31-08; FWC 134-2008(Temp), f. & cert. ef. 10-17-08 thru 10-31-08; FWC 141-2008(Temp), f. & cert. ef. 11-10-08, cert. ef. 11-12-08 thru 11-30-08; FWC 88-2009(Temp), f. & cert. ef. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; FWC 95-2009(Temp), f. & cert. ef. 8-19-09, cert. ef. 8-24-09 thru 12-31-09; FWC 111-2009(Temp), f. & cert. ef. 9-11-09, cert. ef. 9-13-09 thru 9-30-09; FWC 114-2009(Temp), f. & cert. ef. 9-18-09, cert. ef. 9-21-09 thru 10-31-09; FWC 119-2009(Temp), f. & cert. ef. 9-29-09 thru 10-31-09; FWC 129-2009(Temp), f. & cert. ef. 10-13-09, cert. ef. 10-14-09 thru 10-31-09; Administrative correction 11-19-09; FWC 111-2010(Temp), f. & cert. ef. 7-30-10, cert. ef. 8-1-10 thru 10-31-10; FWC 120-2010(Temp), f. & cert. ef. 8-18-10, cert. ef. 8-24-10 thru 10-31-10; FWC 128-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; FWC 136-

2010(Temp), f. & cert. ef. 9-27-10 thru 10-31-10; FWC 142-2010(Temp), f. & cert. ef. 10-9-10 thru 10-31-10; FWC 149-2010(Temp), f. & cert. ef. 10-18-10, cert. ef. 10-19-10 thru 10-31-10; Administrative correction 11-23-10; FWC 103-2011(Temp), f. & cert. ef. 8-1-11 thru 10-31-11; FWC 119-2011(Temp), f. & cert. ef. 8-26-11, cert. ef. 8-29-11 thru 10-31-11; FWC 124-2011(Temp), f. & cert. ef. 9-12-11 thru 10-31-11; FWC 130-2011(Temp), f. & cert. ef. 9-15-11, cert. ef. 9-19-11 thru 10-31-11; FWC 133-2011(Temp), f. & cert. ef. 9-21-11, cert. ef. 9-22-11 thru 10-31-11; FWC 138-2011(Temp), f. & cert. ef. 9-30-11, cert. ef. 10-3-11 thru 10-31-11; FWC 142-2011(Temp), f. & cert. ef. 10-6-11, cert. ef. 10-8-11 thru 10-31-11; Administrative correction, 11-18-11; FWC 94-2012(Temp), f. & cert. ef. 7-27-12 thru 10-31-12; FWC 107-2012(Temp), f. & cert. ef. 8-15-12, cert. ef. 8-21-12 thru 10-31-12; FWC 119-2012(Temp), f. & cert. ef. 9-10-12, cert. ef. 9-11-12 thru 10-31-12; FWC 120-2012(Temp), f. & cert. ef. 9-18-12 thru 10-31-12; FWC 124-2012(Temp), f. & cert. ef. 9-25-12, cert. ef. 9-26-12 thru 10-31-12; FWC 127-2012(Temp), f. & cert. ef. 10-2-12 thru 10-31-12; FWC 143-2012(Temp), f. & cert. ef. 11-7-12, cert. ef. 11-8-12 thru 1-29-13; Administrative correction, 2-25-13; FWC 88-2013(Temp), f. & cert. ef. 8-9-13, cert. ef. 8-12-13 thru 12-31-13; FWC 89-2013(Temp), f. & cert. ef. 8-14-13, cert. ef. 8-19-13 thru 12-31-13; FWC 98-2013(Temp), f. & cert. ef. 9-6-13, cert. ef. 9-10-13 thru 10-31-13; FWC 102-2013(Temp), f. & cert. ef. 9-13-13, cert. ef. 9-16-13 thru 10-31-13; FWC 106-2013(Temp), f. & cert. ef. 9-19-13, cert. ef. 9-24-13 thru 10-31-13; FWC 111-2013(Temp), f. & cert. ef. 9-27-13, cert. ef. 9-30-13 thru 10-31-13; FWC 116-2013(Temp), f. & cert. ef. 10-8-13, cert. ef. 10-9-13 thru 12-31-13; FWC 105-2014(Temp), f. & cert. ef. 7-30-14, cert. ef. 8-1-14 thru 10-31-14; FWC 118-2014(Temp), f. & cert. ef. 8-7-14, cert. ef. 8-18-14 thru 10-31-14

Rule Caption: Amend rule to extend hunt seasons for Bighorn Sheep Controlled Hunts 546A1 and 546A2

Adm. Order No.: DFW 119-2014(Temp)

Filed with Sec. of State: 8-8-2014

Certified to be Effective: 8-28-14 thru 10-31-14

Notice Publication Date:

Rules Amended: 635-067-0030

Subject: The current season for Bighorn Sheep Controlled Hunt 546A1 is from August 16 to August 27, 2014. The current season for Bighorn Sheep Controlled Hunt 546A2 is from September 6 to September 21, 2014. This rule amendment would extend the ending date of each hunt to October 31, 2014 and provide an option for Department staff to authorize hunters who do not hunt during the extended 2014 season to exercise the tag in the 2015 season. Beginning on August 28, 2014 the hunt area for hunts 546A1 and 546A2 is expanded to include all the Murderers Creek Wildlife Management Unit. Opening dates of each hunt are not changed.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-067-0030

Controlled Bighorn Sheep Hunts

Notwithstanding the provisions of the **2014 Oregon Big Game Regulations:**

(1) The season dates listed on page 39 for the Aldrich No. 1 (546A1) Controlled Big Horn Sheep Hunt is extended to October 31, 2014; from August 28 to October 31, 2014 the hunt area is the Murderers Creek Wildlife Management Unit.

(2) The season dates listed on page 39 for the Aldrich No. 2 (546A2) Controlled Big Horn Sheep Hunt is extended to October 31, 2014; the hunt area for the entire hunt period (September 6 to October 31, 2014) is the Murderers Creek Wildlife Management Unit.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 32-1978, f. & ef. 6-30-78; FWC 12-1979, f. & ef. 3-28-79; FWC 29-1979, f. & ef. 8-2-79; FWC 14-1980, f. & ef. 4-8-80; FWC 10-1981, f. & ef. 3-31-81; FWC 22-1981, f. & ef. 6-29-81; FWC 21-1982, f. & ef. 3-31-82, Renumbered from 635-060-0610; FWC 15-1983, f. & ef. 4-19-83; FWC 16-1984, f. & ef. 4-6-84, ef. 4-15-84; FWC 21-1985, f. & ef. 5-7-85; FWC 29-1986, f. & ef. 7-23-86; FWC 11-1987, f. & ef. 3-6-87; FWC 14-1988, f. & cert. ef. 3-10-88; FWC 16-1989, f. & cert. ef. 3-28-89; FWC 65-1989, f. & cert. ef. 8-15-89; FWC 25-1990, f. & cert. ef. 3-21-90; FWC 21-1991, f. & cert. ef. 3-12-91; FWC 45-1992, f. & cert. ef. 7-15-92; FWC 61-1992, f. & cert. ef. 7-30-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 18-1994, f. & cert. ef. 3-30-94, cert. ef. 5-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 6-1995, f. & cert. ef. 1-23-95, cert. ef. 4-1-95; FWC 54-1995, f. & cert. ef. 6-20-95; FWC 17-1996, f. & cert. ef. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 99-2006(Temp), f. & cert. ef. 9-11-06 thru 9-30-06; Administrative correction 10-16-06; FWC 109-2009(Temp), f. & cert. ef. 9-9-09 thru 9-30-09; Administrative correction 10-22-09; FWC 81-2011, f. & cert. ef. 6-29-11, cert. ef. 8-20-11; FWC 115-2011(Temp), f. & cert. ef. 8-16-11 thru 2-11-12; FWC 116-2011(Temp), f. & cert. ef. 8-19-11 thru 10-1-11; Administrative correction 10-27-11; FWC 159-2011, f. & cert. ef. 12-14-11, cert. ef. 1-1-12; FWC 108-2012(Temp), f. & cert. ef. 8-16-12 thru 11-1-12; FWC 116-2012(Temp), f. & cert. ef. 9-4-12 thru 3-2-13; Administrative correction, 3-20-13; FWC 119-2014(Temp), f. & cert. ef. 8-8-14, cert. ef. 8-28-14 thru 10-31-14

Rule Caption: Amend rule to expand hunt area for Flat Creek Youth Elk Hunt #246T2

Adm. Order No.: DFW 120-2014(Temp)

Filed with Sec. of State: 8-8-2014

Certified to be Effective: 8-8-14 thru 8-29-14

Notice Publication Date:

Rules Amended: 635-073-0060

ADMINISTRATIVE RULES

Subject: The current hunt area for Flat Creek Youth Elk Hunt 246T2 includes that part of Unit 46 beginning at Dayville; east on Hwy 26 to NF Rd 21; south on NF Rd 21 to the exterior boundary of the NF; west on the exterior boundary of the NF to the exterior boundary of the Phillip W. Schneider WA (PWSWA); follow the PWSWA boundary west; continue south to the southern boundary near Deer Cr; west to the S Fork John Day, continue to follow the west boundary of the PWSWA north to the point where the most northern boundary of the PWSWA crosses the S Fork John Day River; from this point, travel north on the S Fork John Day River to Dayville; point of beginning.

The majority of this hunt area is not accessible due to active wildfires. This rule amendment would expand the hunt area to include that part of Unit 46 west of US Hwy 395 to provide an option for department staff to authorize these hunters to hunt an area not affected by current fire closures. Opening and closing dates are unchanged.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-073-0060

Controlled Antlerless Elk Youth Hunts

Notwithstanding the provisions of the **2014 Oregon Big Game Regulations:** The current hunt area for Flat Creek Youth Elk Hunt 246T2 listed on page 78 is expanded to include that part of Unit 46 west of US Hwy 395 to provide an option for department staff to authorize these hunters to hunt an area not affected by current fire closures.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 54-1995, f. & cert. ef. 6-20-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 130-2003(Temp), f. & cert. ef. 12-24-03 thru 3-1-04; Administrative correction 1-13-05; DFW 120-20124(Temp), f. & cert. ef. 8-8-14 thru 8-29-14

.....

Rule Caption: Commercial Fall Drift Gill Net and Pilot Seine Seasons Set for the Mainstem Columbia River.

Adm. Order No.: DFW 121-2014(Temp)

Filed with Sec. of State: 8-13-2014

Certified to be Effective: 8-13-14 thru 9-30-14

Notice Publication Date:

Rules Amended: 635-042-0010, 635-042-0031

Rules Suspended: 635-042-0031(T)

Subject: These amended rules extend the ongoing early fall commercial salmon drift gill net season with the addition of two 9 hour fishing periods beginning August 24 through August 27, 2014 in Zones 4 and 5 of the Columbia River. Allowed sales include Chinook, coho, pink and sockeye salmon and shad. Rule modifications allow the use of seine gear for commercial purposes and set season dates and regulations for the pilot 2014 non-Indian commercial seine research fishery. The first of sixteen authorized seine fishing periods begins at 6:00 a.m. Tuesday, August 19 with further fishing periods scheduled through 7:00 p.m. Monday, September 29, 2014. Allowed sales include: Adipose or left ventral fin-clipped Chinook, adipose-clipped coho, pink and sockeye salmon and shad. Subject to Individual Fishing Quotas (as defined in the 2014 seine permits) and fishing regulations, all legally caught salmon must be landed.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0010

Fishing Gear

(1) As used in these Columbia River fishing rules, gill net includes drift gill net, floater gill net, diver gill net, and is a monofilament or multifilament mesh net with a cork and lead line which is in a position to drift with the tide or current at all times while it is being fished. There must be sufficient buoyancy in the corks and/or floats on the cork line so the net is free to drift with the current. The lead or weight on the lead line of a gill net shall not exceed two pounds in total weight on any one fathom, measurement to be taken along the cork line of the net. However, should extra or added weights appear necessary to operate a net, permission to use in excess of two pounds weight per fathom of net may be granted by the Director upon written application which includes adequate justification for the additional leads or weights.

(2) It is *unlawful*:

(a) For a gill net in whole or in part to be anchored, tied, staked, fixed, or attached to the bottom, shore, or a beached boat; left unattended at any time it is fished; or attended by more than one boat while being fished;

(b) To take any species of salmon from the Columbia River for commercial purposes by any means other than by gill net, beach seine, or purse seine;

(c) To fish more than one gill net from a licensed commercial fishing boat at any one time;

(d) To fish with or have on the boat while fishing a gill net which exceeds 1,500 feet in length;

(e) To fish with or have on the boat while fishing any gill net of a mesh size not authorized for use at that time, except:

(A) During December 1–March 31 when the following applies:

(i) While fishing during open salmon and/or sturgeon seasons, smelt gill nets with a mesh size not more than two inches may be onboard the boat;

(ii) While fishing during open smelt seasons, gill nets with a mesh size greater than two inches may be onboard the boat.

(B) Nets with a minimum mesh size of 9.0 inches may be onboard the boat.

(C) When specifically authorized, nets not lawful for use at that time and area may be onboard the boat 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.

(f) Fish with or have on the boat while fishing any gill net of a mesh size greater than 9-3/4 inches, except that snagging nets as described in ORS 509.240 are permitted;

(g) Fish with or have on the boat while fishing a gill net which does not meet the construction requirements for a gill net as set forth in section (1) of this rule, except while fishing during the Tongue Point Select Area Salmon Season (OAR 635-042-0170) gill nets with leadline in excess of two pounds per fathom may be stored on the boat.

(3) The mesh size of any gill net is determined only after the meshes are wet from soaking in water not less than one hour. Three consecutive meshes are then placed under ten pounds of vertical tension and the measurement is taken from the inside of one vertical knot to the outside of the opposite vertical knot of the center mesh.

(4) As used in these rules, “slackers” means a single piece of material or cord, not webbing or mesh, connected vertically or woven in the mesh of the net between the cork and lead lines. It is used to tie netting in a shortened state to give the net surface flexibility.

(5) Nets fished any time between official sunset and sunrise must have lighted buoys on both ends of the net. If the net is attached to the boat, then one lighted buoy on the end of the net opposite the boat is required.

(6) The use of a “chafing strip panel” attached to the bottom of the net is allowed. A “chafing strip panel” consists of no more than 60 inches of non-mono-filament webbing (such as nylon seine web or polyethylene trawl web) with a maximum mesh size of 3.5 inches. There are no restrictions associated with hangings used to connect the net to the chafing panel or the net or chafing panel to the leadline or corkline.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 85, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 23-1978, f. & ef. 5-4-78; FWC 2-1979, f. & ef. 1-25-79. Renumbered from 635-035-0110; FWC 6-1980, f. & ef. 1-28-80; FWC 1-1981, f. & ef. 1-19-81; FWC 13-1981, f. & ef. 4-3-81; FWC 6-1982, f. & ef. 1-28-82; FWC 4-1984, f. & ef. 1-31-84; FWC 2-1985, f. & ef. 1-30-85; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87; FWC 11-1993, f. 2-11-93, cert. ef. 2-16-93; FWC 9-1994, f. 2-14-94, cert. ef. 2-15-94; DFW 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cert. ef. 3-3-98; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; Administrative correction 9-16-07; DFW 10-2008, f. & cert. ef. 2-11-08; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 121-2014(Temp), f. & cert. ef. 8-13-14 thru 9-30-14

635-042-0031

Early Fall Salmon Season

(1) Salmon and shad may be taken for commercial purposes in the waters of the Columbia River: Zones 4–5, as identified in OAR 635-042-0001. The deadline at the lower end of Zone 4 is defined as a straight line projected from the Warrior Rock Lighthouse on the Oregon shore easterly through the green navigation Buoy #1 and continuing to the Washington shore.

(a) Authorized fishing periods are as follows:

9:00 p.m. Thursday, August 14 to 6:00 a.m. Friday, August 15 (9 hours);

9:00 p.m. Sunday, August 17 to 6:00 a.m. Monday, August 18 (9 hours);

9:00 p.m. Tuesday, August 19 to 6:00 a.m. Wednesday, August 20 (9 hours);

9:00 p.m. Thursday, August 21 to 6:00 a.m. Friday, August 22 (9 hours);

9:00 p.m. Sunday, August 24 to 6:00 a.m. Monday, August 25 (9 hours); and

9:00 p.m. Tuesday, August 26 to 6:00 a.m. Wednesday, August 27 (9 hours).

ADMINISTRATIVE RULES

(b) Sanctuaries include: Washougal and Sandy rivers.

(c) Gear is restricted to drift gill nets only with 9 inch minimum mesh size. The multiple net rule is NOT in effect and nets not authorized for this fishery are prohibited to be onboard the vessel.

(d) Allowable sales include: Chinook, coho, pink, and sockeye salmon and shad.

(2) Non-Indian mainstem commercial research fishery:

(a) Salmon and shad may be taken with seine gear by those individuals possessing a 2014 seine permit issued by Oregon or Washington (Emerging Fishery license and Experimental Fishery Permit in WA; Experimental Gear Permit in OR).

(b) Season: — Area:

6:00 a.m. to 7:30 p.m. Tuesday, August 19 (13.5 hours) — Zones 1–2.

6:00 a.m. to 7:30 p.m. Thursday, August 21 (13.5 hours) — Zones 1–2.

6:00 a.m. to 7:30 p.m. Tuesday, August 26 (13.5 hours) — Zones 1–2.

6:00 a.m. to 7:30 p.m. Thursday, August 28 (13.5 hours) — Zones 1–2.

6:00 a.m. to 7:30 p.m. Tuesday, September 2 (13.5 hours) — Zones 1–5.

6:00 a.m. to 7:30 p.m. Wednesday, September 3 (13.5 hours) — Zones 1–5.

6:00 a.m. to 7:30 p.m. Thursday, September 4 (13.5 hours) — Zones 1–5.

6:00 a.m. to 7:30 p.m. Monday, September 8 (13.5 hours) — Zones 1–5.

6:00 a.m. to 7:30 p.m. Tuesday, September 9 (13.5 hours) — Zones 1–5.

6:00 a.m. to 7:30 p.m. Wednesday, September 10 (13.5 hours) — Zones 1–5.

6:00 a.m. to 7:30 p.m. Thursday, September 11 (13.5 hours) — Zones 1–5.

6:00 a.m. to 7:00 p.m. Monday, September 15 (12.5 hours) — Zones 1–5.

6:00 a.m. to 7:00 p.m. Wednesday, September 17 (12.5 hours) — Zones 1–5.

6:00 a.m. to 7:00 p.m. Monday, September 22 (12.5 hours) — Zones 1–5.

6:00 a.m. to 7:00 p.m. Wednesday, September 24 (12.5 hours) — Zones 1–5.

6:00 a.m. to 7:00 p.m. Monday, September 29 (12.5 hours) — Zones 1–5.

(c) Sanctuaries: Elochoman-A, Cowlitz, Kalama-A, Lewis-A, Sandy, and Washougal rivers. Fishing in Select Area commercial fishing sites is prohibited.

(d) Gear:

(A) Beach or purse seine gear is allowed. Only one net is allowed per participating vessel.

(B) Mesh size restricted to a 3.5-inch maximum (inside of knot to outside of knot using hand tension stretched measure).

(C) Net material to consist of 3-strand nylon; twine size greater than or equal to #12.

(D) Seines may include a bunt of 1.0-2.0 inch knotless mesh.

(E) Net length not to exceed 200 fathoms (including associated lead nets) and depth not to exceed 200 meshes. Seine and lead lines may not be connected. Lead nets must be retrieved daily.

(F) No restrictions on corkline, leadline or use of stringers and slackers.

(G) A chafing strip panel consisting of non-monofilament webbing (such as nylon seine web or polyethylene trawl web) is allowed on bottom of net; maximum panel depth is five feet. Chafing mesh not to exceed 3.5-inch stretched measure for beach seines and 5-inch stretched measure for purse seines. There are no restrictions associated with hangings used to connect the net to the chafing panel or the net or chafing panel to the leadline or corkline.

(H) Red corks are required at 25-fathom intervals and red corks must be in contrast to the corks used in the remainder of the net.

(e) Allowable sales include: Adipose or left ventral fin-clipped Chinook, adipose-clipped coho, pink and sockeye salmon and shad. Subject to Individual Fishing Quotas (as defined in the 2014 seine permits) and fishing regulations, all legally caught salmon must be landed.

(f) Hand sorting or use of a knotless dip net is required for sorting. All fish must be sorted and/or released prior to removing entire seine from the water. Dry sorting is not permitted.

(g) Sort time is not to exceed 75 minutes:

(A) For beach seines, sort time is defined as the elapsed time from when the outer towed end of the net first contacts the shore or block until the net is emptied of fish.

(B) For purse seines, sort time is defined as the elapsed time from when all rings are pursued and out of the water until the net is emptied of fish.

(h) As a condition of fishing, agency observers are required to be present at all times during fishing operations.

Stat. Auth.: ORS 496.118, 506.109 & 506.120

Stats. Implemented: ORS 506.119 & 507.030

Hist.: FWC 63-1987, f. & cert. ef. 8-7-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 68-1988(Temp), f. & cert. ef. 8-15-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 56-1989(Temp), f. & cert. ef. 8-11-89; FWC 58-1989(Temp), f. & cert. ef. 8-14-89; FWC 80-1989(Temp), f. & cert. ef. 8-28-89, cert. ef. 8-29-89; FWC 80-1990(Temp), f. & cert. ef. 8-8-90; FWC 85-1991, f. & cert. ef. 8-7-91, cert. ef. 8-12-91; FWC 91-1991(Temp), f. & cert. ef. 8-29-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 53-1996(Temp), f. & cert. ef. 9-16-96; FWC 49-1997, f. & cert. ef. 8-20-97, cert. ef. 8-24-97; FWC 74-1998(Temp), f. & cert. ef. 8-25-98 thru 8-26-98; FWC 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; FWC 75-1999(Temp), f. & cert. ef. 9-29-99, cert. ef. 9-30-99 thru 10-22-99; Administrative correction 11-17-99; FWC 50-2000(Temp), f. & cert. ef. 8-21-00 thru 9-9-00; DFW 52-2000(Temp), f. & cert. ef. 8-23-00 thru 8-24-00; Administrative cor-

rection 6-20-01; DFW 68-2001(Temp), f. & cert. ef. 8-7-01, cert. ef. 8-8-01 thru 8-9-01; DFW 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; DFW 79-2001(Temp), f. & cert. ef. 8-22-01 thru 12-31-01; DFW 80-2001(Temp), f. & cert. ef. 8-24-01 thru 12-31-01; DFW 86-2001(Temp), f. & cert. ef. 9-4-01 thru 12-31-01; DFW 81-2002(Temp), f. & cert. ef. 8-2-02, cert. ef. 8-4-02 thru 8-9-02; DFW 87-2002(Temp), f. & cert. ef. 8-9-02 thru 8-12-02; DFW 89-2002(Temp), f. & cert. ef. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 82-2003(Temp), f. & cert. ef. 8-25-03 thru 12-31-03; DFW 87-2003(Temp), f. & cert. ef. 8-27-03 thru 12-31-03; DFW 81-2004(Temp), f. & cert. ef. 8-12-04 thru 12-31-04; DFW 82-2004(Temp), f. & cert. ef. 8-16-04 thru 12-31-04; DFW 86-2004(Temp), f. & cert. ef. 8-19-04 thru 12-31-04; DFW 88-2004(Temp), f. & cert. ef. 8-18-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 85-2005(Temp), f. & cert. ef. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 88-2005(Temp), f. & cert. ef. 8-11-05, cert. ef. 8-14-05 thru 12-31-05; DFW 90-2005(Temp), f. & cert. ef. 8-17-05 thru 12-31-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 98-2005(Temp), f. & cert. ef. 8-24-05, cert. ef. 8-25-05 thru 12-31-05; Administrative correction 1-19-06; DFW 72-2006(Temp), f. & cert. ef. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 82-2006(Temp), f. & cert. ef. 8-11-06, cert. ef. 8-13-06 thru 12-31-06; DFW 88-2006(Temp), f. & cert. ef. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 89-2006(Temp), f. & cert. ef. 8-24-06, cert. ef. 8-25-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. & cert. ef. 8-1-07 thru 10-31-07; DFW 72-2007(Temp), f. & cert. ef. 8-23-07 thru 8-31-07; Administrative correction 9-16-07; DFW 85-2008(Temp), f. & cert. ef. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 93-2008(Temp), f. & cert. ef. 8-12-08 thru 12-31-08; DFW 95-2008(Temp), f. & cert. ef. 8-14-08 thru 9-30-08; DFW 100-2008(Temp), f. & cert. ef. 8-22-08, cert. ef. 8-25-08 thru 9-30-08; DFW 102-2008(Temp), f. & cert. ef. 8-26-08 thru 9-1-08; Administrative correction 9-29-08; Administrative correction 10-21-08; DFW 89-2009(Temp), f. & cert. ef. 8-4-09 thru 12-31-09; DFW 90-2009(Temp), f. & cert. ef. 8-7-09, cert. ef. 8-8-09 thru 12-31-09; DFW 96-2009(Temp), f. & cert. ef. 8-21-09 thru 8-31-09; DFW 97-2009(Temp), f. & cert. ef. 8-25-09 thru 8-31-09; DFW 100-2009(Temp), f. & cert. ef. 8-27-09 thru 8-31-09; Administrative correction 9-29-09; DFW 112-2010(Temp), f. & cert. ef. 7-30-10, cert. ef. 8-3-10 thru 8-31-10; DFW 121-2010(Temp), f. & cert. ef. 8-18-10, cert. ef. 8-19-10 thru 8-31-10; Administrative correction 9-22-10; DFW 132-2010(Temp), f. & cert. ef. 9-21-10, cert. ef. 9-22-10 thru 10-31-10; DFW 137-2010(Temp), f. & cert. ef. 9-24-10 thru 10-31-10; Administrative correction 11-23-10; DFW 105-2011(Temp), f. & cert. ef. 8-2-11, cert. ef. 8-4-11 thru 8-31-11; DFW 120-2011(Temp), f. & cert. ef. 8-26-11, cert. ef. 8-28-11 thru 9-14-11; DFW 128-2011(Temp), f. & cert. ef. 9-14-11, cert. ef. 9-18-11 thru 9-30-11; DFW 134-2011(Temp), f. & cert. ef. 9-21-11, cert. ef. 9-22-11 thru 9-30-11; DFW 136-2011(Temp), f. & cert. ef. 9-28-11 thru 10-5-11; DFW 140-2011(Temp), f. & cert. ef. 10-4-11, cert. ef. 10-5-11 thru 10-12-11; DFW 144-2011(Temp), f. & cert. ef. 10-11-11, cert. ef. 10-13-11 thru 10-31-11; DFW 147-2011(Temp), f. & cert. ef. 10-17-11, cert. ef. 10-18-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 98-2012(Temp), f. & cert. ef. 7-31-12, cert. ef. 8-5-12 thru 10-31-12; DFW 112-2012(Temp), f. & cert. ef. 8-24-12, cert. ef. 8-26-12 thru 10-31-12; DFW 121-2012(Temp), f. & cert. ef. 9-18-12 thru 10-31-12; Administrative correction 11-23-12; DFW 83-2013(Temp), f. & cert. ef. 7-29-13, cert. ef. 8-11-13 thru 8-31-13; DFW 95-2013(Temp), f. & cert. ef. 8-23-13, cert. ef. 8-25-13 thru 8-31-13; DFW 97-2013(Temp), f. & cert. ef. 8-27-13, cert. ef. 8-28-13 thru 8-31-13; DFW 101-2013(Temp), f. & cert. ef. 9-13-13, cert. ef. 9-15-13 thru 9-30-13; DFW 105-2013(Temp), f. & cert. ef. 9-19-13 thru 9-30-13; DFW 108-2013(Temp), f. & cert. ef. 9-25-13, cert. ef. 9-26-13 thru 9-30-13; DFW 113-2013(Temp), f. & cert. ef. 9-27-13, cert. ef. 10-1-13 thru 10-16-13; Administrative correction, 11-22-13; DFW 107-2014(Temp), f. & cert. ef. 7-30-14, cert. ef. 8-3-14 thru 8-31-14; DFW 121-2014(Temp), f. & cert. ef. 8-13-14 thru 9-30-14

Rule Caption: 2014 Snake River Sport Fall Chinook Fishery Below Hells Canyon Dam Opens September 1

Adm. Order No.: DFW 122-2014(Temp)

Filed with Sec. of State: 8-14-2014

Certified to be Effective: 9-1-14 thru 12-31-14

Notice Publication Date:

Rules Amended: 635-023-0134

Rules Suspended: 635-023-0134(T)

Subject: This amended rule implements the 2014 fall Chinook fishery on the Snake River in an area from the Oregon-Washington border upstream to the deadline below Hells Canyon Dam. The fishery begins September 1 and runs through November 17, 2014. Rule modifications coincide with State of Idaho regulations for this concurrent fishery.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-023-0134

Snake River Fishery

(1) The **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 regulations as outlined in the 2014 Oregon Sport Fishing Regulations, the following conditions apply to the 2014 Oregon Hells Canyon/Snake River fall Chinook fishery:

(a) The Snake River, in an area from the Oregon-Washington border upstream to the deadline below Hells Canyon Dam, is open seven (7) days per week beginning Monday, September 1 through the close of fishing on Friday, October 31, 2014, or until further notice.

(b) The Snake River, in an area from Cliff Mountain Rapids (RM 246.7, 1.1 miles below Hell's Canyon Dam) upstream to the deadline below Hells Canyon Dam, is open seven (7) days per week, beginning Saturday,

ADMINISTRATIVE RULES

November 1 through the close of fishing on Monday, November 17, 2014, or until further notice.

(c) The following restrictions apply to the fisheries described in sections (2)(a) and (2)(b) above:

(A) The daily bag limit is six (6) adipose fin-clipped fall Chinook salmon per day.

(B) There are no daily, possession, or season limits for jack fall Chinook salmon.

(C) Barbless hooks are required.

Stat. Auth.: ORS 496.138, 496.146 & 506.129

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; DFW 98-2014(Temp), f. 7-18-14, cert. ef. 7-21-14 thru 9-30-14; DFW 122-2014(Temp), f. 8-4-14, cert. ef. 9-1-14 thru 12-31-14

Department of Human Services, Child Welfare Programs Chapter 413

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

Adm. Order No.: CWP 14-2014

Filed with Sec. of State: 8-1-2014

Certified to be Effective: 8-1-14

Notice Publication Date: 7-1-2014

Rules Repealed: 413-350-0000, 413-350-0010, 413-350-0020, 413-350-0030, 413-350-0040, 413-350-0050, 413-350-0060, 413-350-0070, 413-350-0080, 413-350-0090

Subject: The Department of Human Services, Office of Child Welfare, is repealing unnecessary rules on Inspection and Copying of Records, OAR 413-350-0000 through 413-350-0090, because the topics in the rules are addressed in the Public Records Law, the Department's policy on Public Record Requests and Fees, and Department-wide administrative rules on Public Record Fees, OAR 407-003-0000 and 407-003-0010.

Rules Coordinator: Kris Skaro—(503) 945-6067

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

Adm. Order No.: CWP 15-2014

Filed with Sec. of State: 8-1-2014

Certified to be Effective: 8-1-14

Notice Publication Date: 7-1-2014

Rules Amended: 413-130-0077

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

Rules Coordinator: Kris Skaro—(503) 945-6067

413-130-0077

Eligibility for Nonrecurring Expenses

A pre-adoptive family is eligible for reimbursement of nonrecurring expenses through Title IV-E funding on behalf of a child determined to have special needs under OAR 413-130-0020 when the child is in the custody of:

(1) The Department, a participating tribe, or a licensed adoption agency; or

(2) An Oregon family following a relinquishment of parental rights by the legal parent directly to the Oregon family.

Stat. Auth.: ORS 418.005, 418.340

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

Hist.: SCF 2-1995, f. & cert. ef. 8-21-95; SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SOSCF 8-1999, f. & cert. ef. 5-17-99; SOSCF 7-2002, f. 3-28-02, cert. ef. 4-1-02; SOSCF 7-2002, f. 3-28-02, cert. ef. 4-1-02; CWP 16-2008, f. & cert. ef. 7-1-08; CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 22-2009, f. & cert. ef. 12-29-09; CWP 16-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11, Renumbered from 413-130-0030; CWP 25-2011(Temp), f. 9-30-11, & cert. ef. 10-1-11 thru 12-27-11; CWP 35-2011, f. 12-27-11, cert. ef. 12-28-11; CWP 2-2014, f. 1-31-14, cert. ef. 2-1-14; CWP 15-2014, f. & cert. ef. 8-1-14

Rule Caption: Amending the definition of 'relative' in Child Welfare Program rules

Adm. Order No.: CWP 16-2014(Temp)

Filed with Sec. of State: 8-4-2014

Certified to be Effective: 8-4-14 thru 1-31-15

Notice Publication Date:

Rules Amended: 413-010-0310, 413-070-0063, 413-070-0505, 413-070-0620, 413-070-0655, 413-070-0905, 413-120-0010, 413-120-0195, 413-120-0510, 413-120-0710

Subject: The Office of Child Welfare Programs is amending the definition of "relative" to address unintended consequences of a recent rule change. The Department changed the definition of "relative" effective June 3, 2014, to clarify the order in which the Department considers potential adoptive and substitute care resources for placement of children in the Department's custody, specifically where in the order of placement fall birth relatives of children or parents whose prior legal relationship has been dissolved by adoption. The recent change was only intended to include as relatives those blood relatives who are identified as a member of the family by the child or the individual. The change has been interpreted, however, to require the Department to search for blood relatives of an adopted child, to whom the child has no connection. This interpretation may have negative consequences on the adoption process and the child, in addition to creating a practice change and workload increase the Department did not intend nor anticipate. The definition needs to be amended to add language to clarify that only those relatives who are identified as members of the family are included.

"Relative" is defined in ten rules in OAR chapter 413, all of which are amended to adopt a consistent definition.

Rules Coordinator: Kris Skaro—(503) 945-6067

413-010-0310

Definition

The following definitions apply to OAR 413-010-0300 to 413-010-0340:

(1) "Child" means a person under 18 years of age.

(2) "Department" means the Department of Human Services, Child Welfare.

(3) "Indian child" means any unmarried person who is under 18 years of age and is either:

(a) A member of an Indian tribe; or

(b) Eligible for membership in an Indian tribe and the biological child of a member of an Indian tribe.

(4) "Parent" means the biological or adoptive mother or the legal father of the child. A legal father is a man who has adopted the child or whose paternity has been established or declared under ORS 109.070, ORS 416.400 to 416.465, or by a juvenile court. In cases involving an Indian child under the Indian Child Welfare Act (ICWA), a legal father includes a man who is a father under applicable tribal law. "Parent" also includes a putative father who has demonstrated a direct and significant commitment to the child by assuming or attempting to assume responsibilities normally associated with parenthood, unless a court finds that the putative father is not the legal father.

ADMINISTRATIVE RULES

(5) "Registered domestic partner" means an individual joined in a domestic partnership that has been registered by a county clerk in accordance with ORS 106.300 to 106.340.

(6) "Relative" means (each of the following individuals is a "relative"):

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great (individuals with one common biological parent are half-blood relatives).

(C) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(D) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(E) A spouse of anyone listed in paragraphs (A) to (D) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:

(A) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

(B) An individual defined as a relative of a refugee child or young adult under Child Welfare Policy I-E.2.2, "Placement of Refugee Children", OAR 413-070-0300 to 413-070-0380.

(C) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(D) The registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(E) The adoptive parent of a sibling of the child or young adult.

(F) The unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (D) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following paragraphs:

(A) An individual not related to the child, young adult, or parent by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

(B) An individual who has a blood relationship to the child or young adult as described in paragraphs (a)(A) to (D) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or birth parent, and who is identified as a member of the family by the child or young adult or who self-identifies as a member of the family.

(e) For eligibility for the guardianship assistance program:

(A) A stepparent is considered a parent and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(7) "Relative caregiver" means an individual who operates a home that has been approved by the Department to provide care for a related child or young adult placed in the home by the Department.

(8) "Safety service provider" means a participant in a protective action plan, initial safety plan, or ongoing safety plan whose actions, assistance, or supervision help a family in managing a child's safety.

(9) "Sibling" means one of two or more children or young adults related:

(a) By blood or adoption through a common legal parent;

(b) Through the marriage of the legal or biological parents of the children or young adults; or

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.

(10) "Young adult" means a person aged 18 through 20 years.

Stat. Auth.: ORS 109.119, 418.005, 419A.004

Stats. Implemented: ORS 109.119, 418.005, 419A.004

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; CWP 9-2010, f. & cert. ef. 7-1-10; CWP 14-2013, f. 12-31-13, cert. ef. 1-1-14; CWP 11-2014, f. & cert. ef. 6-3-14; CWP 16-2014(Temp), f. & cert. ef. 8-4-14 thru 1-31-15

413-070-0063

Definitions

The following definitions apply to OAR 413-070-0060 to 413-070-0093:

(1) "Caregiver relationship" means a relationship between a person and a child that meets the requirements of the following subsections:

(a) The relationship has existed for the 12 months immediately preceding the initiation of a dependency proceeding, at least six months during a dependency proceeding, or half of the child's life if the child is less than six months of age.

(b) The person had physical custody of the child or resided in the same household as the child and provided the child on a daily basis with the love, nurturing, and other necessities required to meet the child's psychological and physical needs.

(c) The child depended on the relationship to meet the child's needs.

(d) A "caregiver relationship" does not include a relationship between a child and a person who is the unrelated foster parent of the child unless the relationship continued for a period of at least twelve consecutive months.

(2) "Certificate of approval" means a document that the Department issues to approve the operation of a child-specific relative caregiver home, child-specific foster home, pre-adoptive home, or a regular foster home.

(3) "Child" means a person under 18 years of age.

(4) "Department" means the Department of Human Services, Child Welfare.

(5) "Designee" means a person who the designator directly and immediately supervises or a person with equal or greater management responsibility than the designator.

(6) "Foster parent" means an individual who operates a home that has been approved by the Department to provide care for an unrelated child or young adult placed in the home by the Department.

(7) "Indian child" is any unmarried person under 18 years of age who is either a member of an Indian tribe or is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

(8) "Parent" means the biological or adoptive mother or the legal father of the child. A legal father is a man who has adopted the child or whose paternity has been established or declared under ORS 109.070, ORS 416.400 to 416.465, or by a juvenile court. In cases involving an Indian child under the Indian Child Welfare Act (ICWA), a legal father includes a man who is a father under applicable tribal law. "Parent" also includes a putative father who has demonstrated a direct and significant commitment to the child by assuming or attempting to assume responsibilities normally associated with parenthood, unless a court finds that the putative father is not the legal father.

(9) "Registered domestic partner" means an individual joined in a domestic partnership that has been registered by a county clerk in accordance with ORS 106.300 to 106.340.

ADMINISTRATIVE RULES

(10) "Relative" means (each of the following individuals is a "relative"):

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great (individuals with one common biological parent are half-blood relatives).

(C) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(D) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(E) A spouse of anyone listed in paragraphs (A) to (D) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:

(A) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

(B) An individual defined as a relative of a refugee child or young adult under Child Welfare Policy I-E.2.2, "Placement of Refugee Children", OAR 413-070-0300 to 413-070-0380.

(C) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(D) The registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(E) The adoptive parent of a sibling of the child or young adult.

(F) The unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (D) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following paragraphs:

(A) An individual not related to the child, young adult, or parent by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

(B) An individual who has a blood relationship to the child or young adult as described in paragraphs (a)(A) to (D) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or birth parent, and who is identified as a member of the family by the child or young adult or who self-identifies as a member of the family.

(e) For eligibility for the guardianship assistance program:

(A) A stepparent is considered a parent and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(11) "Relative caregiver" means an individual who operates a home that has been approved by the Department to provide care for a related child or young adult placed in the home by the Department.

(12) "Relative search" means the efforts of the Department to identify, locate, and document the contact with a child or young adult's relatives.

(13) "Safety service provider" means a participant in a protective action plan, initial safety plan, or ongoing safety plan whose actions, assistance, or supervision help a family in managing a child's safety.

(14) "Sibling" means one of two or more children or young adults related:

(a) By blood or adoption through a common legal parent;

(b) Through the marriage of the legal or biological parents of the children or young adults; or

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.

(15) "Substitute care" means the out-of-home placement of a child or young adult who is in the legal or physical custody and care of the Department.

(16) "Young adult" means a person aged 18 through 20 years who remains in the care and custody of the Department, and lives in substitute care or lives independently through the Department's Independent Living Subsidy Program.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 109.119, 418.005, 419A.004, 419B.192

Hist.: SOSCF 19-1998(Temp), f. & cert. ef. 10-30-98 thru 4-28-99; SOSCF 6-1999, f. & cert. ef. 4-29-99; SOSCF 3-2001(Temp) f. & cert. ef. 1-24-01 thru 7-22-01; SOSCF 34-2001, f. 6-29-01 cert. ef. 7-1-01; CWP 10-2010, f. & cert. ef. 7-1-10; CWP 10-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 31-2011, f. 12-27-11, cert. ef. 12-28-11; CWP 11-2014, f. & cert. ef. 6-3-14; CWP 16-2014(Temp), f. & cert. ef. 8-4-14 thru 1-31-15

413-070-0505

Definitions

The following definitions apply to OAR 413-070-0500 to 413-070-0519:

(1) "Adoptive resource" means an individual or individuals selected by the Department, another public child welfare agency, or a licensed adoption agency as the adoptive family for a child where no administrative review was requested within the timeframe allowed for such a request, or if a review was requested, the selection has been sustained by that review and the review is complete.

(2) "CASA" means a court appointed special advocate: a volunteer who is appointed by the court, is a party to the juvenile proceeding, and advocates for the child pursuant to ORS 419A.170.

(3) "Child" means a person under 18 years of age.

(4) "Committee facilitator" means a Department staff member appointed as a member of the committee to facilitate a permanency or adoption committee meeting.

(5) "Concurrent permanent plan" means the alternate permanency plan whenever the child has been placed in substitute care when the goal of the permanency plan is to return the child to the parents. The "concurrent permanent plan" is developed simultaneously with the plan to return the child to the parents or legal guardians.

(6) "Conditions for return" means a written statement of the specific behaviors, conditions, or circumstances that must exist within a child's home before a child can safely return and remain in the home with an in-home ongoing safety plan.

(7) "Current caretaker" means a foster parent who:

(a) Is currently caring for a child in the legal custody of the Department who has a permanency plan or concurrent permanent plan of adoption;

(b) Has cared for the child or at least one sibling in a sibling group under consideration for at least the past 12 consecutive months; and

(c) Has been identified by the Department as a potential adoptive resource for the child and when appropriate, the siblings in a sibling group under consideration for adoption in the same adoptive family.

(8) "General applicant" means an individual who:

(a) Is neither a relative or current caretaker; and

(b) Has submitted a completed application to adopt a child.

(9) "Indian child" means any unmarried person who is under 18 years of age and is either:

ADMINISTRATIVE RULES

- (a) A member of an Indian tribe; or
- (b) Eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

(10) "Legal assistance specialist" means an Adoption Program staff member who provides consultation on the technical and legal processes to achieve a permanency plan for a child in the legal custody of the Department.

(11) "Parent" means the biological or adoptive mother or the legal father of the child. A legal father is a man who has adopted the child or whose paternity has been established or declared under ORS 109.070, 416.400 to 416.465, or by a juvenile court. In cases involving an Indian child under the Indian Child Welfare Act (ICWA), a legal father includes a man who is a father under applicable tribal law. "Parent" also includes a putative father who has demonstrated a direct and significant commitment to the child by assuming or attempting to assume responsibilities normally associated with parenthood, unless a court finds that the putative father is not the legal father.

(12) "Permanency committee" means a group of individuals who are responsible for making a recommendation regarding a permanency plan or a potential permanency resource when the child or young adult likely is not returning to his or her parent.

(13) "Permanency plan" means a written course of action for achieving safe and lasting family resources for the child. Although the plan may change as more information becomes available, the goal is to develop safe and permanent family resources with the parents, relatives, or other people who will assume legal responsibility for the child during the remaining years of dependency and be accessible and supportive to the child in adulthood.

(14) "RCWAC" means the Refugee Child Welfare Advisory Committee.

(15) "Refugee child" means, as defined under ORS 418.925, a person under 18 years of age who has entered the United States and is unwilling or unable to return to the person's country because of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual orientation, nationality, membership in a particular group, or political opinion, or whose parents entered the United States within the preceding 10 years and are or were unwilling or unable to return to their country because of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual orientation, nationality, membership in a particular group, or political opinion.

(a) As used in this section, "persecution" means that harm or suffering will be inflicted upon the person to punish the person for possessing a particular belief or characteristic. "Persecution" does not include harm and suffering that is inflicted on persons generally by reason of civil or military strife in a country.

(b) As used in this section, "fear of persecution" means an apprehension or awareness, based on external objective facts, that the person will suffer persecution upon return to the person's country.

(16) "Relative" means (each of the following individuals is a "relative"):

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great (individuals with one common biological parent are half-blood relatives).

(C) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(D) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(E) A spouse of anyone listed in paragraphs (A) to (D) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:

(A) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

(B) An individual defined as a relative of a refugee child or young adult under Child Welfare Policy I-E.2.2, "Placement of Refugee Children", OAR 413-070-0300 to 413-070-0380.

(C) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(D) The registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(E) The adoptive parent of a sibling of the child or young adult.

(F) The unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (D) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following paragraphs:

(A) An individual not related to the child, young adult, or parent by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

(B) An individual who has a blood relationship to the child or young adult as described in paragraphs (a)(A) to (D) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or birth parent, and who is identified as a member of the family by the child or young adult or who self-identifies as a member of the family.

(e) For eligibility for the guardianship assistance program:

(A) A stepparent is considered a parent and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(17) "Sibling" means one of two or more children or young adults related:

(a) By blood or adoption through a common legal parent;

(b) Through the marriage of the legal or biological parents of the children or young adults; or

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.

(18) "Substitute care" means an out-of-home placement of a child or young adult who is in the legal or physical custody and care of the Department.

(19) "Substitute caregiver" means a relative caregiver, foster parent, or provider authorized to provide care to a child or young adult in the legal or physical custody of the Department.

(20) "Young adult" means a person aged 18 through 20 years who remains in the care and custody of the Department, and lives in substitute care or lives independently through the Department's Independent Living Subsidy Program.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: SOSCF 10-2000, f. & cert. ef. 4-28-00; SOSCF 42-2001, f. 12-31-01, cert. ef. 1-1-02; CWP 43-2003, f. 12-31-03, cert. ef. 1-1-04; CWP 27-2010, f. & cert. ef. 12-29-10; CWP 11-2014, f. & cert. ef. 6-3-14; CWP 16-2014(Temp), f. & cert. ef. 8-4-14 thru 1-31-15

ADMINISTRATIVE RULES

413-070-0620

Definitions

The following definitions apply to OAR 413-070-0600 to 413-070-0645:

(1) "Adoptive resource" means an individual or individuals selected by the Department, another public child welfare agency, or a licensed adoption agency as the adoptive family for a child where no administrative review was requested within the timeframe allowed for such a request, or if a review was requested, the selection has been sustained by that review and the review is complete.

(2) "CANS screening" means Child and Adolescent Needs and Strengths screening, a process of gathering information on a child or young adult's needs and strengths used for one or more of the following purposes:

(a) Identifying case planning, service planning, and supervision needs of the child or young adult in substitute care with a certified family;

(b) Determining the level of care payment while in substitute care with a certified family; and

(c) Determining the level of care payment included in an adoption assistance agreement or guardianship assistance agreement.

(3) "Caregiver relationship" means a relationship between a person and a child or young adult that meets the requirements of all of the following subsections:

(a) The relationship has existed for the 12 months immediately preceding the initiation of a dependency proceeding, for at least six months during a dependency proceeding, or for half of the child's life if the child is less than six months of age. A "caregiver relationship" does not include a relationship between a child or young adult and a person who is an unrelated foster parent of the child or young adult unless the relationship continued for a period of at least twelve consecutive months.

(b) The person had physical custody of the child or young adult or resided in the same household as the child and provided the child or young adult on a daily basis with the love, nurturing and other necessities required to meet the psychological and physical needs of the child or young adult.

(c) The child or young adult depended on the relationship to meet the needs of the child or young adult.

(4) "Child" means a person under 18 years of age.

(5) "Department" means the Department of Human Services, Child Welfare.

(6) "Foster parent" means an individual who operates a home that has been approved by the Department to provide care for an unrelated child or young adult placed in the home by the Department.

(7) "Indian child" means any unmarried person who is under 18 years of age and is either:

(a) A member of an Indian tribe; or

(b) Eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

(8) "Parent" means the biological or adoptive mother or the legal father of the child. A legal father is a man who has adopted the child or whose paternity has been established or declared under ORS 109.070, 416.400 to 416.465, or by a juvenile court. In cases involving an Indian child under the Indian Child Welfare Act (ICWA), a legal father includes a man who is a father under applicable tribal law. "Parent" also includes a putative father who has demonstrated a direct and significant commitment to the child by assuming or attempting to assume responsibilities normally associated with parenthood, unless a court finds that the putative father is not the legal father.

(9) "Provider" means an individual approved by a licensed private child-caring agency to provide care for a child or young adult, or an employee of a licensed private child-caring agency approved to provide care for a child or young adult.

(10) "Refugee child" means, as defined under ORS 418.925, a person under 18 years of age who has entered the United States and is unwilling or unable to return to the person's country because of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual orientation, nationality, membership in a particular group, or political opinion, or whose parents entered the United States within the preceding 10 years and are or were unwilling or unable to return to their country because of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual orientation, nationality, membership in a particular group, or political opinion.

(a) As used in this section, "persecution" means that harm or suffering will be inflicted upon the person to punish the person for possessing a particular belief or characteristic. "Persecution" does not include harm and suffering that is inflicted on persons generally by reason of civil or military strife in a country.

(b) As used in this section, "fear of persecution" means an apprehension or awareness, based on external objective facts, that the person will suffer persecution upon return to the person's country.

(11) "Relative" means (each of the following individuals is a "relative"):

(A) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great (individuals with one common biological parent are half-blood relatives).

(C) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(D) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(E) A spouse of anyone listed in paragraphs (A) to (D) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:

(A) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

(B) An individual defined as a relative of a refugee child or young adult under Child Welfare Policy I-E.2.2, "Placement of Refugee Children", OAR 413-070-0300 to 413-070-0380.

(C) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(D) The registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(E) The adoptive parent of a sibling of the child or young adult.

(F) The unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (D) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following paragraphs:

(A) An individual not related to the child, young adult, or parent by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

(B) An individual who has a blood relationship to the child or young adult as described in paragraphs (a)(A) to (D) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or birth parent, and who is identified as a member of the family by the child or young adult or who self-identifies as a member of the family.

(e) For eligibility for the guardianship assistance program:

(A) A stepparent is considered a parent and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:

ADMINISTRATIVE RULES

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(12) "Relative caregiver" means an individual who operates a home that has been approved by the Department to provide care for a related child or young adult who is placed in the home by the Department.

(13) "Sibling" means one of two or more children or young adults related:

(a) By blood or adoption through a common legal parent;

(b) Through the marriage of the legal or biological parents of the children or young adults; or

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.

(14) "Substitute care" means an out-of-home placement of a child or young adult who is in the legal or physical custody and care of the Department.

(15) "Substitute caregiver" means a relative caregiver, foster parent, or provider who is authorized to provide care to a child or young adult who is in the legal or physical custody of the Department.

(16) "Young adult" means a person aged 18 through 20 years who remains in the care and custody of the Department, and lives in substitute care or lives independently through the Department's Independent Living Subsidy Program.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005, 419A.004 & 419B.192

Hist.: SOSCF 13-1999, f. 7-8-99, cert. ef. 7-12-99; CWP 4-2007, f. & cert. ef. 3-20-07; CWP 26-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 8-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 21-2009, f. & cert. ef. 12-29-09; CWP 29-2010, f. & cert. ef. 12-29-10; CWP 1-2013, f. & cert. ef. 1-15-13; CWP 11-2014, f. & cert. ef. 6-3-14; CWP 16-2014(Temp), f. & cert. ef. 8-4-14 thru 1-31-15

413-070-0655

Definitions

The following definitions apply to OAR 413-070-0651 to 413-070-0670:

(1) "Child" means a person under 18 years of age.

(2) "Concurrent permanent plan" means the alternate permanency plan whenever the child has been placed in substitute care when the goal of the permanency plan is to return the child to the parents. The "concurrent permanent plan" is developed simultaneously with the plan to return the child to the parents or legal guardians.

(3) "Department" means the Department of Human Services, Child Welfare.

(4) "Foster care agency" means a private child-caring agency that offers to place children by taking physical custody of and then placing the children in a home certified by the agency.

(5) "Guardian" means an individual who has been granted guardianship of a child through a judgment of the court.

(6) "Guardianship assistance" means assistance provided by the Department to a guardian on behalf of an eligible child to offset the costs associated with meeting the ongoing needs of the child. "Guardianship assistance" may be in the form of a payment, medical coverage, or reimbursement of nonrecurring expenses.

(7) "Parent" means the biological or adoptive mother or the legal father of the child. A legal father is a man who has adopted the child or whose paternity has been established or declared under ORS 109.070, 416.400 to 416.465, or by a juvenile court. In cases involving an Indian child under the Indian Child Welfare Act (ICWA), a legal father includes a man who is a father under applicable tribal law. "Parent" also includes a putative father who has demonstrated a direct and significant commitment to the child by assuming or attempting to assume responsibilities normally associated with parenthood, unless a court finds that the putative father is not the legal father.

(8) "Participating tribe" means a federally recognized Indian tribe in Oregon with a Title IV E agreement with the Department.

(9) "Permanency committee" means a group of individuals who are responsible for making a recommendation regarding a permanency plan or a potential permanency resource when the child or young adult likely is not returning to his or her parent.

(10) "Permanency plan" means a written course of action for achieving safe and lasting family resources for the child. Although the plan may

change as more information becomes available, the goal is to develop safe and permanent family resources with the parents, relatives, or other people who will assume legal responsibility for the child during the remaining years of dependency and be accessible and supportive to the child in adulthood.

(11) "Potential guardian" means an individual who:

(a) Has been approved by the Department or participating tribe to be a child's guardian; and

(b) Is in the process of legalizing the relationship to the child through a judgment of the court.

(12) "Relative" means (each of the following individuals is a "relative"):

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great (individuals with one common biological parent are half-blood relatives).

(C) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(D) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(E) A spouse of anyone listed in paragraphs (A) to (D) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:

(A) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

(B) An individual defined as a relative of a refugee child or young adult under Child Welfare Policy I-E.2.2, "Placement of Refugee Children", OAR 413-070-0300 to 413-070-0380.

(C) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(D) The registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(E) The adoptive parent of a sibling of the child or young adult.

(F) The unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (D) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following paragraphs:

(A) An individual not related to the child, young adult, or parent by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

(B) An individual who has a blood relationship to the child or young adult as described in paragraphs (a)(A) to (D) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or birth parent, and who is identified as a member of the family by the child or young adult or who self-identifies as a member of the family.

(e) For eligibility for the guardianship assistance program:

ADMINISTRATIVE RULES

(A) A stepparent is considered a parent and is not a “relative” for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a “relative” for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(13) “Sibling” means one of two or more children or young adults related:

(a) By blood or adoption through a common legal parent;

(b) Through the marriage of the legal or biological parents of the children or young adults; or

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.

(14) “Substitute caregiver” means a relative caregiver, foster parent, or provider authorized to provide care to a child or young adult in the legal or physical custody of the Department.

(15) “Young adult” means a person aged 18 through 20 years.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 36-2010(Temp), f. & cert. ef. 12-29-10 thru 6-27-11; CWP 7-2011, f. & cert. ef. 6-28-11; CWP 11-2014, f. & cert. ef. 6-3-14; CWP 16-2014(Temp), f. & cert. ef. 8-4-14 thru 1-31-15

413-070-0905

Definitions

The following definitions apply to OAR 413-070-0900 to 413-070-0974:

(1) “Base rate payment” means a payment to the foster parent or relative caregiver for the costs of providing the child or young adult with the following:

(a) Food — including the cost to cover a child or young adult’s special or unique nutritional needs;

(b) Clothing — including purchase and replacement;

(c) Housing — including maintenance of household utilities, furnishings, and equipment;

(d) Daily supervision — including teaching and directing to ensure safety and well-being at a level which is appropriate based on the child or young adult’s chronological age;

(e) Personal incidentals — including personal care items, entertainment, reading materials, and miscellaneous items; and

(f) The cost of providing transportation — including local travel associated with expenditure for gas and oil, and vehicle maintenance and repair associated with transportation to and from extracurricular, child care, recreational, and cultural activities.

(2) “CANS screening” means Child and Adolescent Needs and Strengths screening, a process of gathering information on a child or young adult’s needs and strengths used for one or more of the following purposes:

(a) Identifying case planning, service planning, and supervision needs of the child or young adult in substitute care with a certified family;

(b) Determining the level of care payment while in substitute care with a certified family; and

(c) Determining the level of care payment included in an adoption assistance agreement or guardianship assistance agreement.

(3) “Child” means a person under 18 years of age.

(4) “Department” means the Department of Human Services, Child Welfare.

(5) “Enhanced supervision” means the additional support, direction, observation, and guidance necessary to promote and ensure the safety and well-being of the child or young adult when the child or young adult qualifies for a level of care payment.

(6) “Guardian” means an individual who has been granted guardianship of a child through a judgment of the court.

(7) “Guardianship assistance” means assistance on behalf of an eligible child or young adult to offset the costs associated with establishing the guardianship and meeting the ongoing needs of the child or young adult. “Guardianship assistance” may be in the form of a payment, medical coverage, or reimbursement of guardianship expenses.

(8) “Guardianship assistance agreement” means a written agreement, binding on the parties to the agreement, between the Department and the potential guardian or guardian setting forth the assistance the Department is to provide on behalf of the child or young adult, the responsibilities of the guardian and the Department, and the manner in which the agreement and amount of assistance may be modified or terminated.

(9) “Guardianship assistance agreement only” means a written agreement, binding on the parties to the agreement, between the Department and the potential guardian or guardian of an eligible child or young adult, when the potential guardian or guardian is not receiving a guardianship assistance payment or medical coverage at the time of the agreement but may request it at a later date.

(10) “Guardianship assistance base rate” means the portion of the guardianship assistance payment that is negotiated with the potential guardian or guardian and cannot exceed the amount of the Oregon foster care base rate payment for the child or young adult’s age.

(11) “Guardianship assistance payment” means a monthly payment made by the Department to the guardian on behalf of the eligible child or young adult.

(12) “Guardianship Assistance Review Committee” means a committee composed of local and central office Department staff who have expertise in the area of guardianship.

(13) “Level of care payment” means the payment provided to an approved or certified family, a guardian, a pre-adoptive family, or an adoptive family based on the child or young adult’s need for enhanced supervision as determined by applying the CANS algorithm to the results of the CANS screening.

(14) “Nonrecurring guardianship assistance agreement” means a written agreement, binding on the parties to the agreement, between the Department and the potential guardian of an eligible child for a one-time payment to reimburse the guardian for the reasonable and necessary expenses incurred in legally finalizing the guardianship.

(15) “Nonrecurring guardianship expenses” means a one-time payment of up to \$2,000 per child that the Department will make to a guardian to assist with the reasonable and necessary expenses associated with obtaining legal guardianship of an eligible child.

(16) “Parent” means the biological or adoptive mother or the legal father of the child. A legal father is a man who has adopted the child or whose paternity has been established or declared under ORS 109.070, 416.400 to 416.465, or by a juvenile court. In cases involving an Indian child under the Indian Child Welfare Act (ICWA), a legal father includes a man who is a father under applicable tribal law. “Parent” also includes a putative father who has demonstrated a direct and significant commitment to the child by assuming or attempting to assume responsibilities normally associated with parenthood unless a court finds that the putative father is not the legal father.

(17) “Participating tribe” means a federally recognized Indian tribe in Oregon with a Title IV E agreement with the Department.

(18) “Permanency committee” means a group of individuals who are responsible for making a recommendation regarding a permanency plan or potential permanency resource when the child or young adult likely is not returning to his or her parent.

(19) “Potential guardian” means an individual who:

(a) Has been approved by the Department or participating tribe to be a child’s guardian; and

(b) Is in the process of legalizing the relationship to the child through the judgment of the court.

(20) “Registered domestic partner” means an individual joined in a domestic partnership that is registered with a county clerk in accordance with ORS 106.300 to 106.340.

(21) “Relative” means (each of the following individuals is a “relative”):

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great (individuals with one common biological parent are half-blood relatives).

(C) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(D) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

ADMINISTRATIVE RULES

(E) A spouse of anyone listed in paragraphs (A) to (D) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a “relative” under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:

(A) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

(B) An individual defined as a relative of a refugee child or young adult under Child Welfare Policy I-E.2.2, “Placement of Refugee Children”, OAR 413-070-0300 to 413-070-0380.

(C) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(D) The registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(E) The adoptive parent of a sibling of the child or young adult.

(F) The unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual specified as a “relative” in paragraphs (A) to (D) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following paragraphs:

(A) An individual not related to the child, young adult, or parent by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

(B) An individual who has a blood relationship to the child or young adult as described in paragraphs (a)(A) to (D) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or birth parent, and who is identified as a member of the family by the child or young adult or who self-identifies as a member of the family.

(e) For eligibility for the guardianship assistance program under these rules, OAR 413-070-0900 to 413-070-0974:

(A) A stepparent is considered a parent and is not a “relative” for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a “relative” for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(22) “Sibling” means one of two or more children or young adults related:

(a) By blood or adoption through a common legal parent;

(b) Through the marriage of the legal or biological parents of the children or young adults; or

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.

(23) “Substitute care” means the out-of-home placement of a child or young adult who is in the legal or physical custody and care of the Department.

(24) “Substitute caregiver” means a relative caregiver, foster parent, or provider authorized to provide care to a child or young adult in the legal or physical custody of the Department.

(25) “Young adult” means a person aged 18 through 20 years.

Stat. Auth.: ORS 411.141 & 418.005

Stats. Implemented: ORS 409.010, 411.141, 418.005

Hist.: SOSCF 18-1999(Temp), f. & cert. ef. 9-14-99 thru 3-12-00; SOSCF 7-2000, f. & cert. ef. 2-10-00; SOSCF 43-2001, f. 12-31-01, cert. ef. 1-1-02; CWP 14-2003, f. & cert. ef. 1-9-03; CWP 26-2003, f. & cert. ef. 7-31-03; CWP 8-2004, f. & cert. ef. 4-1-04; CWP 5-2009(Temp), f. & cert. ef. 3-31-09 thru 9-27-09; CWP 7-2009(Temp), f. & cert. ef. 7-1-09 thru 9-27-09; CWP 12-2009, f. & cert. ef. 9-28-09; CWP 18-2009(Temp), f. & cert. ef. 12-16-09 thru 6-14-10; CWP 1-2010(Temp), f. & cert. ef. 2-1-10 thru 6-14-10; CWP 18-2009(Temp), f. & cert. ef. 12-16-09 thru 6-14-10; CWP 6-2010, f. & cert. ef. 6-15-10; CWP 11-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 24-2011(Temp), f. 9-30-11, cert. ef. 10-1-11 thru 12-27-11; CWP 30-2011, f. 12-27-11, cert. ef. 12-28-11; CWP 1-2014, f. 1-31-14, cert. ef. 2-1-14; CWP 11-2014, f. & cert. ef. 6-3-14; CWP 16-2014(Temp), f. & cert. ef. 8-4-14 thru 1-31-15

413-120-0010

Definitions

The following definitions apply to OAR 413-120-0000 to 413-120-0060:

(1) “Adoption committee” means a group of individuals convened by Department staff to make recommendations to an Adoption Decision Specialist (ADS) regarding adoptive resources for a child.

(2) “Adoption home study” means a written report documenting the result of an assessment conducted by the Department, a licensed adoption agency, or another public agency to evaluate the suitability of an individual or individuals to adopt and make a lifelong permanent commitment to a child or children.

(3) “Adoption placement selection” means a decision made by the Department that an individual or individuals have been identified as the adoptive resource for the child.

(4) “Adoptive resource” means an individual or individuals selected by the Department, another public child welfare agency, or a licensed adoption agency as the adoptive family for a child where no administrative review was requested within the timeframe allowed for such a request or, if a review was requested, the selection was sustained by that review and the review is complete.

(5) “ADS” means an Adoption Decision Specialist, who is a Department employee appointed by the Adoption Program Manager to attend an adoption committee and make an adoption placement selection for a child.

(6) “Child” means a person under 18 years of age.

(7) “Committee facilitator” means a Department staff member appointed as a member of the committee to facilitate a permanency committee or adoption committee meeting.

(8) “Current caretaker” means a foster parent who:

(a) Is currently caring for a child in the legal custody of the Department who has a permanency plan or concurrent permanent plan of adoption;

(b) Has cared for the child or at least one sibling in a sibling group under consideration for at least the past 12 consecutive months; and

(c) Has been identified by the Department as a potential adoptive resource for the child and when appropriate, the siblings in a sibling group under consideration for adoption in the same adoptive family.

(9) “Department” means the Department of Human Services, Child Welfare.

(10) “Foster parent” means an individual who operates a home that has been approved by the Department to provide care for an unrelated child or young adult placed in the home by the Department.

(11) “General applicant” means an individual who:

(a) Is neither a relative or current caretaker; and

(b) Has submitted a completed application to adopt a child.

(12) “Indian child” means any unmarried person who is under 18 years of age and is either:

(a) A member of an Indian tribe; or

(b) Eligible for membership in an Indian tribe and the biological child of a member of an Indian tribe.

(13) “Permanency committee” means a group of individuals who are responsible for making a recommendation regarding a permanency plan or a potential permanency resource when the child or young adult likely is not returning to his or her parent.

(14) “RCWAC” means the Refugee Child Welfare Advisory Committee.

ADMINISTRATIVE RULES

(15) "Refugee child" means, as defined under ORS 418.925, a person under 18 years of age who has entered the United States and is unwilling or unable to return to the person's country because of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual orientation, nationality, membership in a particular group, or political opinion, or whose parents entered the United States within the preceding 10 years and are or were unwilling or unable to return to their country because of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual orientation, nationality, membership in a particular group, or political opinion.

(a) As used in this section, "persecution" means that harm or suffering will be inflicted upon the person to punish the person for possessing a particular belief or characteristic. "Persecution" does not include harm and suffering that is inflicted on persons generally by reason of civil or military strife in a country.

(b) As used in this section, "fear of persecution" means an apprehension or awareness, based on external objective facts, that the person will suffer persecution upon return to the person's country.

(16) "Relative" means (each of the following individuals is a "relative"):

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great (individuals with one common biological parent are half-blood relatives).

(C) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(D) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(E) A spouse of anyone listed in paragraphs (A) to (D) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:

(A) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

(B) An individual defined as a relative of a refugee child or young adult under Child Welfare Policy I-E.2.2, "Placement of Refugee Children", OAR 413-070-0300 to 413-070-0380.

(C) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(D) The registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(E) The adoptive parent of a sibling of the child or young adult.

(F) The unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (D) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following paragraphs:

(A) An individual not related to the child, young adult, or parent by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

(B) An individual who has a blood relationship to the child or young adult as described in paragraphs (a)(A) to (D) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or birth parent, and who is identified as a member of the family by the child or young adult or who self-identifies as a member of the family.

(e) For eligibility for the guardianship assistance program:

(A) A stepparent is considered a parent and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(17) "Sibling" means one of two or more children or young adults related:

(a) By blood or adoption through a common legal parent;

(b) Through the marriage of the legal or biological parents of the children or young adults; or

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.

(18) "Substitute caregiver" means a relative caregiver, foster parent, or provider who is authorized to provide care to a child or young adult who is in the legal or physical custody of the Department.

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

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.010, 418.005, 418.280, 418.285, 418.937, 419B.100, 419B.192

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SCF 6-1996, f. & cert. ef. 9-17-96; SOSCF 7-1998, f. & cert. ef. 2-10-98; SOSCF 16-1999, f. & cert. ef. 8-12-99; SOSCF 2-2001(Temp), f. & cert. ef. 1-24-01 thru 7-21-01; SOSCF 35-2001, f. 6-29-01 cert. ef. 7-1-01; SOSCF 47-2001, f. 12-31-01 cert. ef. 1-1-02; CWP 13-2007, f. & cert. ef. 8-1-07; CWP 16-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; CWP 31-2010, f. & cert. ef. 12-29-10; CWP 11-2014, f. & cert. ef. 6-3-14; CWP 16-2014(Temp), f. & cert. ef. 8-4-14 thru 1-31-15

413-120-0195

Definitions

The following definitions apply to OAR 413-120-0190 to 413-120-0246:

(1) "Adoption agency" means an organization providing the services under any one of the following subsections:

(a) Identifying a child for adoption and arranging an adoption.

(b) Securing the necessary consent to relinquishment of parental rights and to adoption.

(c) Performing a background study on a child or a home study on a prospective adoptive parent and reporting on such a study.

(d) Making determinations of the best interests of a child and the appropriateness of adoption placement for a child.

(e) Monitoring a case after placement until final adoption.

(f) When necessary because of disruption before final adoption, assuming custody and providing child care or other social services for a child pending an alternative placement.

(2) "Adoption home study" means a written report documenting the result of an assessment conducted by the Department, a licensed adoption agency, or by another public agency to evaluate the suitability of an individual or individuals to adopt and to make a lifelong permanent commitment to a child or children.

(3) "Adoption placement selection" means a decision made by the Department that an individual or individuals have been identified as the adoptive resource for a child.

(4) "Adoptive resource" means an individual or individuals selected by the Department, another public child welfare agency, or a licensed adoption agency as the adoptive family for a child where no administrative review was requested within the timeframe allowed for such a request, or if a review was requested, the selection has been sustained by that review and the review is complete.

(5) "Child" means a person under 18 years of age.

(6) "Current caretaker" means a foster parent who:

ADMINISTRATIVE RULES

(a) Is currently caring for a child in the legal custody of the Department who has a permanency plan or concurrent permanent plan of adoption;

(b) Has cared for the child or at least one sibling in a sibling group under consideration for at least the past 12 consecutive months; and

(c) Has been identified by the Department as a potential adoptive resource for the child and when appropriate, the siblings in a sibling group under consideration for adoption in the same adoptive family.

(7) "Department" means the Department of Human Services, Child Welfare.

(8) "Foster parent" means an individual who operates a home that has been approved by the Department to provide care for an unrelated child or young adult placed in the home by the Department.

(9) "General applicant" means an individual who:

(a) Is neither a relative or current caretaker; and

(b) Has submitted a completed application to adopt a child.

(10) "ICPC" means the Interstate Compact on the Placement of Children (see ORS 417.200).

(11) "Indian child" means any unmarried person who is under 18 years of age and is either:

(a) A member of an Indian tribe; or

(b) Eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

(12) "Relative" means (each of the following individuals is a "relative"):

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great (individuals with one common biological parent are half-blood relatives).

(C) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(D) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(E) A spouse of anyone listed in paragraphs (A) to (D) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:

(A) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

(B) An individual defined as a relative of a refugee child or young adult under Child Welfare Policy I-E.2.2, "Placement of Refugee Children", OAR 413-070-0300 to 413-070-0380.

(C) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(D) The registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(E) The adoptive parent of a sibling of the child or young adult.

(F) The unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (D) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following paragraphs:

(A) An individual not related to the child, young adult, or parent by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

(B) An individual who has a blood relationship to the child or young adult as described in paragraphs (a)(A) to (D) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or birth parent, and who is identified as a member of the family by the child or young adult or who self-identifies as a member of the family.

(c) For eligibility for the guardianship assistance program:

(A) A stepparent is considered a parent and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(13) "Sibling" means one of two or more children or young adults related:

(a) By blood or adoption through a common legal parent;

(b) Through the marriage of the legal or biological parents of the children or young adults; or

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.

(14) "Substitute caregiver" means a relative caregiver, foster parent, or provider who is authorized to provide care to a child or young adult who is in the legal or physical custody of the Department.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005, 418.280, 418.285

Hist.: SOSCF 36-2001, f. 6-29-01, cert. ef. 7-1-01; CWP 37-2008, f. & cert. ef. 11-3-08; CWP 15-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; CWP 33-2010, f. & cert. ef. 12-29-10; CWP 11-2014, f. & cert. ef. 6-3-14; CWP 16-2014(Temp), f. & cert. ef. 8-4-14 thru 1-31-15

413-120-0510

Definitions

The following definitions apply to OAR 413-120-0500 to 413-120-0595:

(1) "Adoptive resource" means an individual or individuals selected by the Department as the adoptive family for a child where no administrative review was requested within the timeframe allowed for such a request, or if a review was requested, the selection has been sustained by that review and the Department review is complete.

(2) "Child" means a person under 18 years of age.

(3) "Concurrent permanent plan" means the alternate permanency plan whenever the child has been placed in substitute care when the goal of the permanency plan is to return the child to the parents. The "concurrent permanent plan" is developed simultaneously with the plan to return the child to the parents or legal guardians.

(4) "Current caretaker" means a foster parent who:

(a) Is currently caring for a child in the legal custody of the Department who has a permanency plan or concurrent permanent plan of adoption;

(b) Has cared for the child or at least one sibling in a sibling group under consideration for at least the past 12 consecutive months; and

(c) Has been identified by the Department as a potential adoptive resource for the child and when appropriate, the siblings in a sibling group under consideration for adoption in the same adoptive family.

(5) "Department" means the Department of Human Services, Child Welfare.

(6) "Foster parent" means a person who operates a home that has been approved by the Department to provide care for unrelated children or young adults who are placed in the home by the Department.

(7) "General applicant" means an individual who:

(a) Is neither a relative nor current caretaker; and

(b) Has submitted a completed application to adopt a child.

ADMINISTRATIVE RULES

(8) "Indian child" means any unmarried person who is under 18 years of age and is either:

(a) A member of an Indian tribe; or

(b) Eligible for membership in an Indian tribe and the biological child of a member of an Indian tribe.

(9) "Permanency committee" means a group of individuals who are responsible for making a recommendation regarding a permanency plan or potential permanency resource when the child or young adult likely is not returning to his or her parent.

(10) "Permanency plan" means a written course of action for achieving safe and lasting family resources for the child. Although the plan may change as more information becomes available, the goal is to develop safe and permanent family resources with the parents, relatives, or other individuals who will assume legal responsibility for the child during the remaining years of dependency and be accessible and supportive to the child in adulthood.

(11) "Refugee child" means, as defined by ORS 418.925, a person under 18 years of age who has entered the United States and is unwilling or unable to return to the person's country because of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual orientation, nationality, membership in a particular group, or political opinion, or whose parents entered the United States within the preceding 10 years and are or were unwilling or unable to return to their country because of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual orientation, nationality, membership in a particular group, or political opinion.

(a) As used in this section, "persecution" means that harm or suffering will be inflicted upon the person in order to punish the person for possessing a particular belief or characteristic. "Persecution" does not include harm and suffering that is inflicted on persons generally by reason of civil or military strife in a country.

(b) As used in this section, "fear of persecution" means an apprehension or awareness, based on external objective facts, that the person will suffer persecution upon return to the person's country.

(12) "Relative" means (each of the following individuals is a "relative"):

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great (individuals with one common biological parent are half-blood relatives).

(C) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(D) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(E) A spouse of anyone listed in paragraphs (A) to (D) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:

(A) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

(B) An individual defined as a relative of a refugee child or young adult under Child Welfare Policy I-E.2.2, "Placement of Refugee Children", OAR 413-070-0300 to 413-070-0380.

(C) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(D) The registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(E) The adoptive parent of a sibling of the child or young adult.

(F) The unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (D) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following paragraphs:

(A) An individual not related to the child, young adult, or parent by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

(B) An individual who has a blood relationship to the child or young adult as described in paragraphs (a)(A) to (D) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or birth parent, and who is identified as a member of the family by the child or young adult or who self-identifies as a member of the family.

(e) For eligibility for the guardianship assistance program:

(A) A stepparent is considered a parent and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(13) "Sibling" means one of two or more children or young adults related:

(a) By blood or adoption through a common legal parent;

(b) Through the marriage of the legal or biological parents of the children or young adults; or

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.

(14) "Substitute care" means the out-of-home placement of a child or young adult who is in the legal or physical custody and care of the Department.

(15) "Young adult" means a person aged 18 through 20 years who remains in the care and custody of the Department, and lives in substitute care or lives independently through the Department's Independent Living Subsidy Program.

Stat. Auth.: ORS 418.005, 418.945

Stats. Implemented: ORS 418.005, 418.945

Hist.: SCF 6-1996, f. & cert. ef. 9-17-96; SOSCF 19-1998(Temp), f. & cert. ef. 10-30-98 thru 4-28-99; SOSCF 6-1999 f. & cert. ef. 4-29-99; SOSCF 1-2001(Temp) f. & cert. ef. 1-24-01 thru 7-20-01; SOSCF 37-2001, f. 6-29-01, cert. ef. 7-1-01; CWP 51-2003, f. 12-31-03, cert. ef. 1-1-04; CWP 16-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; CWP 34-2010, f. & cert. ef. 12-29-10; CWP 11-2014, f. & cert. ef. 6-3-14; CWP 16-2014(Temp), f. & cert. ef. 8-4-14 thru 1-31-15

413-120-0710

Definitions

The following definitions apply to OAR 413-120-0700 to 413-120-0760:

(1) "Adoption home study" means a written report documenting the result of an assessment conducted by the Department, a licensed adoption agency, or another public agency to evaluate the suitability of an individual or individuals to adopt and make a lifelong permanent commitment to a child or children.

(2) "Adoptive resource" means an individual or individuals selected by the Department, another public child welfare agency, or a licensed adoption agency as the adoptive family for a child where no administrative review was requested within the timeframe allowed for such a request or, if a review was requested, the selection was sustained by that review and the review is complete.

ADMINISTRATIVE RULES

(3) "Child" means a person under 18 years of age.

(4) "Current caretaker" means a foster parent who:

(a) Is currently caring for a child in the legal custody of the Department who has a permanency plan or concurrent permanent plan of adoption;

(b) Has cared for the child or at least one sibling in a sibling group under consideration for at least the past 12 consecutive months; and

(c) Has been identified by the Department as a potential adoptive resource for the child and when appropriate, the siblings in a sibling group under consideration for adoption in the same adoptive family.

(5) "Department" means the Department of Human Services, Child Welfare.

(6) "Foster parent" means an individual who operates a home that has been approved by the Department to provide care for an unrelated child or young adult placed in the home by the Department.

(7) "General applicant" means an individual who:

(a) Is neither relative or current caretaker; and

(b) Has submitted a complete application to adopt a child.

(8) "Indian child" means any unmarried person who is under 18 years of age and is either:

(a) A member of an Indian tribe; or

(b) Eligible for membership in an Indian tribe and the biological child of a member of an Indian tribe.

(9) "Permanency committee" means a group of individuals who are responsible for making a recommendation regarding a permanency plan or potential permanent resource when the child or young adult likely is not returning to his or her parent.

(10) "RCWAC" means the Refugee Child Welfare Advisory Committee.

(11) "Refugee child" has the meaning given that term per ORS 418.925.

(12) "Relative" means (each of the following individuals is a "relative"):

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great (individuals with one common biological parent are half-blood relatives).

(C) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(D) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(E) A spouse of anyone listed in paragraphs (A) to (D) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:

(A) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

(B) An individual defined as a relative of a refugee child or young adult under Child Welfare Policy I-E.2.2, "Placement of Refugee Children", OAR 413-070-0300 to 413-070-0380.

(C) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(D) The registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(E) The adoptive parent of a sibling of the child or young adult.

(F) The unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young

adult by blood, adoption, or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (D) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following paragraphs:

(A) An individual not related to the child, young adult, or parent by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

(B) An individual who has a blood relationship to the child or young adult as described in paragraphs (a)(A) to (D) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or birth parent, and who is identified as a member of the family by the child or young adult or who self-identifies as a member of the family.

(c) For eligibility for the guardianship assistance program:

(A) A stepparent is considered a parent and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(13) "Sibling" means one of two or more children or young adults related:

(a) By blood or adoption through a common legal parent;

(b) Through the marriage of the legal or biological parents of the children or young adults; or

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.

(14) "Substitute caregiver" means a relative caregiver, foster parent, or provider who is authorized to provide care to a child or young adult who is in the legal or physical custody of the Department.

Stat. Auth.: ORS 109.309, 418.005

Stats. Implemented: ORS 109.309, 418.005, 418.285, 418.937, 419B.090, 419B.100, 419B.192

Hist.: CWP 16-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; CWP 35-2010, f. & cert. ef. 12-29-10; CWP 11-2014, f. & cert. ef. 6-3-14; CWP 16-2014(Temp), f. & cert. ef. 8-4-14 thru 1-31-15

.....

Department of Human Services, Self-Sufficiency Programs Chapter 461

Rule Caption: Amending OAR affecting individuals in public institutions applying for medical assistance

Adm. Order No.: SSP 19-2014(Temp)

Filed with Sec. of State: 7-16-2014

Certified to be Effective: 7-16-14 thru 1-12-15

Notice Publication Date:

Rules Amended: 461-115-0071

Subject: OAR 461-115-0071 about who must sign the application and complete the application process is being amended effective July 1, 2014 to allow an employee of a public institution, as defined in 461-135-0950, to witness the mark of an inmate who is applying for OSIPM Medicaid services, when that inmate is unable to sign the application.

Rules Coordinator: Kris Skaro—(503) 945-6067

461-115-0071

Who Must Sign the Application and Complete the Application Process

(1) In the ERDC, REF, REFM, and TANF programs, the following individuals must sign the application and complete the application process:

ADMINISTRATIVE RULES

(a) In the REF, REFM, and TANF programs, at least one caretaker relative (see OAR 461-001-0000).

(b) In the ERDC program, a caretaker (see OAR 461-001-0000).

(2) In the EA program:

(a) A caretaker relative must sign the application and complete the application process for a child (see OAR 461-001-0000). If the child is not living with a caretaker relative, another adult may act on behalf of the child.

(b) If the caretaker relative lives with a spouse (see OAR 461-001-0000), both must sign the application.

(c) A dependent child 18 years of age who applies must sign the application and complete the application process.

(3) In the GA, GAM, OSIPM, and QMB programs, at least one adult requesting assistance must complete the application process and sign the application, if able. If there is no adult who is able to sign the application and complete the application process, this can be done by the authorized representative (see OAR 461-115-0090). If the applicant dies prior to the determination of eligibility for OSIPM, the application may be processed if the Department receives the required verification.

(4) In the SNAP program, the primary person, the spouse of the primary person, or another adult member of the filing group (see OAR 461-110-0370) must sign the application and complete the application process.

(5) An individual required to sign the application but unable to sign may sign with a mark, witnessed by an employee of the:

(a) Branch office (see OAR 461-001-0000); or

(b) Public institution (see OAR 461-135-0950), when the individual applying is an inmate (see 461-135-0950) and is applying for benefits under the OSIPM program.

(6) The amendments to this rule authorizing an employee of a public institution to witness a mark are effective July 1, 2014.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.816, 412.049

Stats. Implemented: ORS 411.060, 411.070, 411.081, 411.087, 411.400, 411.404, 411.816, 412.049

Hist.: SSP 4-2005, f. & cert. ef. 4-1-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 6-2006, f. 3-31-06, cert. ef. 4-1-06; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 23-2010(Temp), f. & cert. ef. 7-15-10 thru 1-11-11; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 30-2013(Temp), f. & cert. ef. 10-1-13 thru 3-30-14; SSP 38-2013, f. 12-31-13, cert. ef. 1-1-14; SSP 19-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

Rule Caption: Creating a pilot project to provide assistance with SSD applications and appeals

Adm. Order No.: SSP 20-2014(Temp)

Filed with Sec. of State: 8-1-2014

Certified to be Effective: 8-1-14 thru 1-28-15

Notice Publication Date:

Rules Amended: 461-125-0370

Subject: OAR 461-125-0370 about disability as a basis of need for Oregon Supplemental Income Program (OSIP) and Oregon Supplemental Income Program-Medical (OSIPM) is being amended to allow an individual who is served by the North Salem NorthWest Senior and Disability Services (NWSDS) office and who has been determined by the Presumptive Medicaid Disability Determination Team (PMDDT) to have a disability to receive free assistance from the department with applications and administrative appeals for Social Security Disability Insurance (SSDI) benefits in order to meet the requirements of OAR 461-120-0330 (Requirement to Pursue Assets).

Rules Coordinator: Kris Skaro—(503) 945-6067

461-125-0370

Disability as the Basis of Need; OSIP and OSIPM

Disability as the Basis of Need; OSIP and OSIPM

(1) In the OSIP and OSIPM programs (except OSIP-EPD and OSIPM-EPD), an individual meets the eligibility requirement to have a disability if the requirements of one of the following subsections are met:

(a) The individual is receiving Social Security Disability Income (SSDI) or Supplemental Security Income (SSI) based on disability. Eligibility continues as long as the individual remains eligible for SSDI or SSI.

(b) The individual was eligible for and received Aid to the Disabled benefits in Oregon in December 1973. These grandfathered cases continue to be eligible as long as they are continuously disabled as defined by Oregon requirements that were in effect in 1973.

(c) The Department has determined the individual meets the listing of impairments found in 20 C.F.R. Part 404, Subpart P, Appendix 1; meets the

medical vocational guidelines found in 20 C.F.R. Part 404, Subpart P, Appendix 2 for SSI; or meets the definition of disability in 20 C.F.R. 404.1505 or 416.905.

(d) The Social Security Administration (SSA) has determined the individual meets the listing of impairments found in 20 C.F.R. Part 404, Subpart P, Appendix 1; meets the medical vocational guidelines found in 20 C.F.R. Part 404, Subpart P, Appendix 2; or meets the definition of disability in 20 C.F.R. 404.1505 or 416.905.

(2) If the Department finds the individual eligible for OSIPM in the absence of a disability determination by SSA, the individual remains eligible, provided that the individual continues to meet the disability criteria for eligibility for OSIPM, until SSA denies the disability claim in a final administrative decision.

(3) For OSIP and OSIPM, a disability determination made by SSA that is unfavorable to an individual is binding on the Department unless the requirements of at least one of the following subsections are met (see 42 C.F.R. 435.541(c)(1) and (c)(4)):

(a) SSA made the determination for a reason other than disability.

(b) The individual alleges a disabling condition different from, or in addition to, that considered by SSA in making its determination.

(c) More than 12 months after the most recent SSA determination denying disability, the individual alleges that his or her condition has changed or deteriorated since that SSA determination, and the individual has not made application to SSA based on these allegations.

(d) The individual alleges less than 12 months after the most recent SSA determination denying disability that the condition which SSA evaluated has changed or deteriorated since that SSA determination; and one or both of the following apply:

(A) The individual has requested reconsideration or reopening of the most recent SSA determination denying disability and SSA has declined to consider the new allegations.

(B) It is clear that the individual no longer meets SSI eligibility requirements unrelated to disability status but may satisfy comparable Medicaid eligibility requirements.

(4) If a binding SSA disability determination is not in place, the determination of disability to qualify for OSIPM is made by the Presumptive Medicaid Disability Determination Team, composed of a medical or psychological consultant and another individual who is qualified to interpret and evaluate medical reports, other evidence relating to the individual's physical or mental impairments, and (as necessary) to determine the capacities of the individual to perform substantial gainful activity, as specified in 20 C.F.R. Part 416, Subpart J (see 42 C.F.R. 435.541(f)(2)).

(5) The Presumptive Medicaid Disability Determination Team obtains and reviews medical reports and other non-medical evidence pertaining to the individual and the claimed disability. The medical report and non-medical evidence must include diagnosis and other information in accordance with the requirements for evidence applicable to disability determinations under the SSI program specified in 20 CFR Part 416, Subpart I. The Presumptive Medicaid Disability Determination Team then makes a decision about medical eligibility and whether and when a redetermination shall be made (see 42 C.F.R. 435.541(f)(1) and (3)).

(6) In the OSIP-EPD and OSIPM-EPD programs, an individual is disabled (see OAR 461-001-0035) or has a disability (see OAR 461-001-0035) if the individual has a physical or mental impairment, or a combination of these impairments, that meets the definition of disability used by SSA when determining eligibility for SSI or SSDI under 20 C.F.R. Part 404. The determination is made as follows:

(a) A determination by SSA that the individual is disabled or has a disability is accepted by the Department.

(b) If the individual was determined to have a disability by SSA and lost their SSDI eligibility due to their own income, the SSA determination remains effective for one year from the date that the individual loses eligibility for SSDI.

(c) If there is no currently effective SSA determination finding the individual has a disability, the case is referred to the Department's central office for a disability determination (see OAR 461-001-0035) using the standards of 20 C.F.R. Parts 404 and 416 and considering all relevant medical and vocational information.

(d) For OSIPM-EPD, an individual is engaging in substantial gainful activity (SGA, see OAR 461-001-0035) if the earnings of the individual are at or above the EPD Income Standard.

(e) For OSIPM-EPD, any work activity engaged in during the OSIPM-EPD application process or certification period is not evaluated as past relevant work (PRW, see OAR 461-001-0035).

ADMINISTRATIVE RULES

(7) An individual who is served by the Salem NorthWest Senior and Disability Services (NWSDS) office and who has been determined by the Presumptive Medicaid Disability Determination Team (PMDDT) to have a disability (see section (1) of this rule) may receive free assistance from the Department with applications and administrative appeals for Social Security Disability Insurance (SSD) benefits in order to meet the requirements of OAR 461-120-0330 (Requirement to Pursue Assets).

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404 & 411.706
Stats. Implemented: ORS 409.010, 411.060, 411.070, 411.404, 411.704 & 411.706
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1991, f. & cert. ef. 10-1-91; AFS 29-1994, f. 12-29-94, cert. ef. 1-1-95; AFS 1-1999(Temp), f. & cert. ef. 2-1-99 thru 7-31-99; AFS 7-1999, f. 4-27-99, cert. ef. 5-1-99; SSP 9-2003(Temp), f. & cert. ef. 4-11-03 thru 6-30-03; SSP 16-2003, f. & cert. ef. 7-1-03; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 20-2014(Temp), f. & cert. ef. 8-1-14 thru 1-28-15

Rule Caption: Changing OAR relating to child care provider eligibility

Adm. Order No.: SSP 21-2014(Temp)

Filed with Sec. of State: 8-13-2014

Certified to be Effective: 8-13-14 thru 2-9-15

Notice Publication Date:

Rules Amended: 461-165-0180

Subject: OAR 461-165-0180 about eligibility of child care providers is being amended to increase and clarify standards and requirements for providers that care for individuals receiving child care benefits through the Employment Related Day Care (ERDC) program or Temporary Assistance to Needy Families Jobs Opportunities and Basic Skills (TANF-JOBS) program. This rule amendment makes the following changes to protect the health, safety and the physical, moral, and mental well-being of children cared for by DHS-approved child care providers, align with the Office of Child Care rules for licensed providers, and the goals of the Governor's Early Learning Council for quality child care:

- Prohibits individuals who hold a medical marijuana card, distribute, grow, or use marijuana (including medical marijuana) or any controlled substance (except lawfully prescribed and over-the-counter medications) from being a DHS-approved child care provider.

- Prohibits controlled substances (except lawfully prescribed and over-the-counter medications), marijuana (including medical marijuana, marijuana edibles, and other products containing marijuana), marijuana plants, derivatives, and associated paraphernalia from being on the child care premises during child care operational hours or anytime child care children are present. Adds a definition of premises which includes the home or facility structure and grounds, including indoors and outdoors and space not directly used for child care.

- Clarifies the prohibition on consumption of alcohol and use of controlled substances (except lawfully prescribed and over-the-counter medications) and marijuana (including medical marijuana).

- Prohibits child care providers, any individual supervising, transporting, preparing meals, or otherwise working in the proximity of child care children and those completing daily attendance and billing records from being "under the influence". Adds a definition of this term which includes observed abnormal behavior or impairments in mental or physical performance leading a reasonable person to believe the individual has used alcohol, any controlled substance (including lawfully prescribed and over-the-counter medications), marijuana (including medical marijuana), or inhalants that impairs their performance of essential job function or creates a direct threat to child care children or others.

- Prohibits smoking within ten feet of any entrance, exit, window that opens, or any ventilation intake that serves an enclosed area and adds e-cigarettes to the list of smoking products that are prohibited.

- Adds a requirement for the provider to report to DHS when they no longer meet the provider eligibility requirements under this rule.

- Adds requirement to report if any subject individual has any involvement with adult protective services, (in addition to child protective services).

- Clarifies alcohol, inhalants, tobacco and e-cigarette products, matches and lighters, any prescription or non-prescription medications are also considered items that may be dangerous to children and must be kept in a secure place out of a child's reach.

Rules Coordinator: Kris Skaro—(503) 945-6067

461-165-0180

Eligibility of Child Care Providers

(1) The Department must approve a child care provider to receive payment for child care if information available to the Department provides no basis for denying eligibility unless the Department determines, following a preliminary or final fitness determination (see OAR 407-007-0320) or Child Protective Service (CPS) records checks, that the provider or other subject individual (see 407-007-0210(30)(a)(A), (B), (F), (I), and (P)) is not eligible for payment.

(2) Ineligibility for payment may result from any of the following:

(a) A finding of "denied". A provider may be denied under OAR 461-165-0410 and 461-165-0420. If, after conducting a weighing test as described in 407-007-0210, the Department finds substantial risk to the health or safety of a child in the care of the provider, the provider must be denied and is ineligible for payment. A provider who has been denied has the right to a hearing under 407-007-0330.

(b) A finding of "failed". A provider may be failed if the Department determines, based on a specific eligibility requirement and evidence, that a provider does not meet the eligibility requirements of this rule. A provider with a status of "failed" may reapply at any time by providing the required documents and information to the Department for review.

(c) The Department has referred an overpayment against the provider for collection and the claim is unsatisfied.

(3) The provider must submit a completed Child Care Provider Listing Form (DHS 7494) to the Department within 30 calendar days from the date the Department issues the listing form to the client. The provider and each individual identified under section (4) of this rule must complete and sign the authorization for a records check through the Criminal History (CH) record system maintained by the Oregon State Police (OSP), Federal Bureau of Investigation (FBI), and the Child Protective Service (CPS) record system maintained by the Department and, if necessary, an authorization to release information and fingerprint cards. The provider, each individual described in section (4) of this rule, and each subject individual described in OAR 407-007-0210(30)(a)(A), (B), (F), (I) or (P) must fully disclose all requested information as part of the records check.

(4) This rule also establishes additional requirements for the following individuals:

(a) The site director of an exempt child care facility and each employee of the facility who may have unsupervised access to a child in care.

(b) The child care provider and each individual the provider uses to supervise a child in his or her absence.

(c) In the case of a provider who provides care for a child in the provider's home--

(A) Each individual 16 years of age or older who lives in the provider's home; and

(B) Each individual who visits the home of the provider during the hours care is provided and may have unsupervised access to a child in care.

(5) To receive payment or authorization for payment, the provider must meet the requirements of either subsection (a) or (b) of this section:

(a) Currently be certified or registered with the Office of Child Care (OCC) of the Oregon Department of Education (ODE) under OAR 414-205-0000 to 414-205-0170, 414-300-0000 to 414-300-0440, or 414-350-0000 to 414-350-0250 unless legally exempt, and be in compliance with the applicable rules. The provider must also complete the Department's listing process and be approved by the Department.

(b) If legally exempt from being certified or registered with the OCC, complete the Department's background check process and be approved by the Department.

(6) Each individual described in section (4) of this rule must:

(a) Allow the Department to conduct a national criminal history records check through the Oregon State Police and the Federal Bureau of Investigation as specified in OAR 407-007-0250.

(b) Provide, in a manner specified by the Department, information required to conduct CH, FBI, OSP, and CPS records checks and determine whether the provider meets health and safety requirements.

(c) Have a history of behavior that indicates no substantial risk to the health or safety of a child in the care of the provider.

(7) Each provider must:

ADMINISTRATIVE RULES

(a) Obtain written approval from their certifier or certifier's supervisor if the provider is also certified as a foster parent.

(b) Be 18 years of age or older and in such physical and mental health as will not affect adversely the ability to meet the needs of safety, health, and well-being of a child in care.

(c) Not be in the same filing group as the child cared for and cannot be the parent (see OAR 461-001-0000) of the child.

(d) Allow the Department to inspect the site of care while child care is provided.

(e) Keep daily attendance records showing the arrival and departure times for each child in care and billing records for each child receiving child care benefits from the Department. The provider must keep written records of any attendance that is not able to be recorded in the Child Care Billing and Attendance Tracking (CCBAT) system. These written records must be retained for a minimum of 12 months and provided to the Department upon request.

(f) Be the individual or facility listed as providing the child care. The provider may only use someone else to supervise a child on a temporary basis if the person was included on the most current listing form and the provider notifies the Department's Direct Pay Unit.

(g) Not bill a Department client for an amount collected by the Department to recover an overpayment or an amount paid by the Department to a creditor of the provider because of a lien, garnishment, or other legal process.

(h) Report to the Department's Direct Pay Unit within five days of occurrence:

(A) Any arrest or conviction of any subject individual or individual described in section (4) of this rule.

(B) Any involvement of any subject individual or individual described in section (4) of this rule with CPS or any other agencies providing child or adult protective services.

(C) Any change to the provider's name or address including any location where care is provided.

(D) The addition of any subject individual or individual described in section (4) of this rule.

(E) Any reason the provider no longer meets the requirements under this rule.

(i) Report suspected child abuse of any child in his or her care to CPS or a law enforcement agency.

(j) Supervise each child in care at all times.

(k) Prevent any individual who behaves in a manner that may harm children from having access to a child in the care of the provider. This includes anyone under the influence (see section (11) of this rule).

(l) Allow the custodial parent of a child in his or her care to have immediate access to the child at all times.

(m) Inform a parent of the need to obtain immunizations for a child.

(n) Take reasonable steps to protect a child in his or her care from the spread of infectious diseases.

(o) Ensure that the home or facility where care is provided meets all of the following standards:

(A) Each floor level used by a child has two usable exits to the outdoors (a sliding door or window that can be used to evacuate a child is considered a usable exit). If a second floor is used for child care, the provider must have a written plan for evacuating occupants in the event of an emergency.

(B) The home or facility has safe drinking water.

(C) The home or facility has a working smoke detector on each floor level and in any area where a child naps.

(D) Each fireplace, space heater, electrical outlet, wood stove, stairway, pool, pond, and any other hazard has a barrier to protect a child. Gates and enclosures have the Juvenile Products Manufacturers Association (JPMA) certification seal to ensure safety.

(E) Any firearm, ammunition, and other items that may be dangerous to children, including but not limited to alcohol, inhalants, tobacco and e-cigarette products, matches and lighters, any legally prescribed or over-the-counter medicine, cleaning supplies, paint, plastic bags, and poisonous and toxic materials are kept in a secure place out of a child's reach.

(F) The building, grounds, any toy, equipment, and furniture are maintained in a clean, sanitary, and hazard free condition.

(G) The home or facility has a telephone in operating condition.

(H) No one may smoke or carry any lighted smoking instrument, including e-cigarettes, in the home or facility or within ten feet of any entrance, exit, window that opens, or any ventilation intake that serves an enclosed area, during child care operational hours or anytime child care children are present. No one may use smokeless tobacco in the home or

facility during child care operational hours or anytime child care children are present. No one may smoke or carry any lighted smoking instrument, including e-cigarettes, or use smokeless tobacco in motor vehicles while child care children are passengers.

(I) No one may consume alcohol or use controlled substances (except legally prescribed and over-the-counter medications) or marijuana (including medical marijuana) on the premises (see section (11) of this rule) during child care operational hours or anytime child care children are present. No one under the influence of alcohol, controlled substances (except legally prescribed and over-the-counter medications) or marijuana (including medical marijuana) may be on the premises during child care operational hours or anytime child care children are present. No one may consume alcohol or use controlled substances (except legally prescribed and over-the-counter medications) or marijuana (including medical marijuana) in motor vehicles while child care children are passengers.

(J) Is not a half-way house, hotel, motel, shelter, or other temporary housing such as a tent, trailer, or motor home. The restriction in this paragraph does not apply to licensed (registered or certified) care approved in a hotel, motel, or shelter.

(K) Is not a structure:

(i) Designed to be transportable; and

(ii) Not attached to the ground, another structure, or to any utilities system on the same premises.

(L) Controlled substances (except lawfully prescribed and over-the-counter medications), marijuana (including medical marijuana, marijuana edibles, and other products containing marijuana), marijuana plants, derivatives, and associated paraphernalia may not be on the premises during child care operational hours or anytime child care children are present.

(p) Complete and submit a new listing form every two years, or sooner at the request of the Department, so that the Department may review the provider's eligibility.

(q) Provide evidence of compliance with the Department's administrative rules, upon request of Department staff.

(r) Complete registration for the CCBAT system within 45 days of the date of the registration notice.

(s) Comply with state and federal laws related to child safety systems and seat belts in vehicles, bicycle safety, and crib standards under 16 CFR 1219 and 1220.

(t) Place infants to sleep on their backs.

(u) Not hold a medical marijuana card; or distribute, grow, or use marijuana (including medical marijuana) or any controlled substance (except lawfully prescribed and over-the-counter medications).

(8) Child Care providers who are License Exempt or Registered Family Child Care Providers with the Office of Child Care (OCC) of the Oregon Department of Education (ODE) under OAR 414-205-0000 to 414-205-0170 must complete the "Basic Child Care Health and Safety" two-hour, web-based training or the three-hour Oregon Kids Healthy and Safe (OKHS) classroom training prior to being approved by the Department.

(a) Prior to June 16, 2014, a provider who sends the Department a Child Care Provider Listing and Provider Information Sheet (DHS 7494) with a revision date of March 2013, or those who attempt to take the web-based training but are unable due to technical difficulties at the training site, will not be failed for not meeting this training requirement.

(b) License Exempt or Registered Family Child Care Providers who are exempt from this training are those who state at least one of the following:

(A) English is a second language.

(B) No internet access is available.

(9) A child care provider not subject to certification or registration with the Office of Child Care (OCC) of the Oregon Department of Education (ODE) under OAR 414-205-0000 to 414-205-0170, 414-300-0000 to 414-300-0440, or 414-350-0000 to 414-350-0250, must complete an orientation provided by the Department or a Child Care Resource and Referral agency within 90 days of being approved by the Department if he or she:

(a) Receives funds from the Department; and

(b) Begins providing child care services after June 30, 2010, or resumes providing child care services, after a break of more than one year that began after June 30, 2010.

(10) Child care providers and any individual supervising, transporting, preparing meals, or otherwise working in the proximity of child care children and those completing daily attendance and billing records shall not be under the influence.

(11) For purposes of these rules:

ADMINISTRATIVE RULES

(a) "Premises" means the home or facility structure and grounds, including indoors and outdoors and space not directly used for child care.

(b) "Under the influence" means observed abnormal behavior or impairments in mental or physical performance leading a reasonable person to believe the individual has used alcohol, any controlled substances (including lawfully prescribed and over-the-counter medications), marijuana (including medical marijuana), or inhalants that impairs their performance of essential job function or creates a direct threat to child care children or others. Examples of abnormal behaviors include, but are not limited to hallucinations, paranoia, or violent outbursts. Examples of impairments in physical or mental performance include, but are not limited to slurred speech as well as difficulty walking or performing job activities.

Stat. Auth.: ORS 181.537, 409.050, 411.060 & 411.070

Stats. Implemented: ORS 181.537, 409.010, 409.050, 409.610, 411.060, 411.070, 411.122 & 329A.340

Hist.: AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 17-1994(Temp), f. & cert. ef. 8-15-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 23-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 2-1997, f. 2-27-97, cert. ef. 3-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 12-1997, f. & cert. ef. 8-25-97; AFS 14-1999, f. & cert. ef. 11-1-99; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 12-2001, f. 6-29-01, cert. ef. 7-1-01; AFS 22-2002, f. 12-31-02, cert. ef. 1-1-03; SSP 13-2004, f. 4-29-04, cert. ef. 5-1-04; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 6-2005(Temp), f. & cert. ef. 4-25-05 thru 9-30-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 6-2006, f. 3-31-06, cert. ef. 4-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 5-2009, f. & cert. ef. 4-1-09; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 32-2010, f. & cert. ef. 10-1-10; SSP 25-2012, f. 6-29-12, cert. ef. 7-1-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12; SSP 8-2013, f. & cert. ef. 4-1-13; SSP 5-2014(Temp), f. 2-4-14, cert. ef. 3-1-14 thru 8-28-14; SSP 10-2014(Temp), f. & cert. ef. 4-1-14 thru 8-28-14; SSP 15-2014, f. & cert. ef. 7-1-14; SSP 21-2014(Temp), f. & cert. ef. 8-13-14 thru 2-9-15

Department of Public Safety Standards and Training Chapter 259

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

Adm. Order No.: DPSST 17-2014

Filed with Sec. of State: 7-23-2014

Certified to be Effective: 7-23-14

Notice Publication Date: 7-1-2014

Rules Amended: 259-008-0075

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

Rules Coordinator: Sharon Huck—(503) 378-2432

259-008-0075

Eligibility for Candidacy for Office of Sheriff

(1) A person is not eligible to be a candidate for election or appointment to the office of sheriff unless at the time in which an eligibility determination is being requested the person:

(a) Is 21 years of age or older;

(b) Has at least four years experience as a full-time law enforcement officer or at least two years experience as a full-time law enforcement officer with at least two years post-high school education; and

(c) Has not been convicted of a felony or any other crime that would prevent the person from being certified as a police officer under ORS 181.610 to 181.670.

(2) As used in section (1) of this rule, "two years post-high school education" means four semesters or six quarters of classroom education in a formal course of study undertaken after graduation from high school in any accredited college or university. The term does not include apprenticeship or on-the-job training.

(3) The procedure for determining whether an individual is eligible to be a candidate for election to the office of sheriff is:

(a) After filing a nominating petition or declaration of candidacy with the county clerk or county official in charge of elections, a potential candidate for sheriff must submit an Application for Determination of Eligibility to Be Sheriff (DPSST Form F-25) and Criminal History Affidavit (DPSST Form F-26) to the Department;

(b) The Department will make an eligibility determination and file a copy of its determination on an individual's eligibility to be a candidate for election to the office of sheriff with the county clerk or county official in charge of elections not later than the 61st day before the date of an election;

(c) The Department will notify the applicant in writing of the determination and decision concerning the eligibility of the applicant by certi-

fied mail, mailed to the applicant and postmarked at not later than the 61st day before the date of an election.

(4) If the person is not certified as a police officer by the Department at the time of accepting appointment or filing as a candidate, a person elected or appointed to the office of sheriff must:

(a) Obtain certification not later than one year after taking office;

(b) File a copy of the certification with the County Clerk or the county official in charge of elections within one year after taking office.

(5) Prior to attending any Department-approved training course, a person elected or appointed to the office of Sheriff must comply with the minimum standards for employment and training specified in OAR 259-008-0010 and 259-008-0025. This includes, but is not limited to the following categories:

(a) Citizenship;

(b) Age;

(c) Fingerprints;

(d) Criminal Records;

(e) Notification of Conviction;

(f) Moral Fitness (Professional Fitness);

(g) Education;

(h) Physical Examination;

(A) Any written request for a waiver of any physical requirement must be submitted to the Department as described in OAR 259-008-0010(8)(o);

(B) Any request for a waiver of any physical requirement must be approved by a Policy Committee and Board; and

(C) Any expense associated with providing documentation or testimony will be the responsibility of the person requesting the waiver.

(i) Submitting an Application for Training (DPSST Form F-5) to the Department providing evidence that a law enforcement proficiency test or validated written test designed to evaluate predictors of job-related skills and behaviors has been completed as required in OAR 259-008-0010;

(j) Submitting a current Medical Examination Report (DPSST Form F-2) completed by a licensed physician; and

(k) Completion of a basic course and field training manual, unless a written request for a waiver of this requirement is received and approved by the Department.

(6) Prior to obtaining certification as a police officer, a person elected or appointed to the office of Sheriff must comply with the minimum standards for certification specified in OAR 259-008-0060 which include, but are not limited to:

(a) Full-time employment;

(b) Submission of a Criminal Justice Code of Ethics (DPSST Form F 11);

(c) Submission of an Application for Certification (DPSST Form F-7) with all applicable sections of the form completed; and

(d) Valid first aid and cardiopulmonary resuscitation (CPR) cards.

(7) Any newly elected or appointed public safety officer must submit a Personnel Action Report (DPSST Form F-4) to the Department within 10 business days after taking office or appointment, as provided in OAR 259-008-0020.

(8) For complete information relating to employment, training and certification requirements, refer to the full text of the statutes and rules referenced in subsections (1) through (6) above.

(9) The Department may deny approval or revoke or rescind any approval previously given, if any falsification is made on the application or documents submitted in support of the application.

(10) The Department will provide a copy of this rule to all persons requesting an evaluation of their eligibility to be a candidate for sheriff, upon request.

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

Stat. Auth.: ORS 206.015

Stats. Implemented: ORS 206.015

Hist.: PS 1-1981, f. 9-26-81, ef. 11-2-81; PS 1-1982, f. & ef. 7-2-82; PS 2-1982, f. & ef. 9-7-82; PS 1-1983, f. & ef. 12-15-83; PS 2-1987, f. & ef. 10-26-87; Renumbered from 259-010-0057, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; DPSST 9-2007, f. & cert. ef. 8-15-07; DPSST 3-2010, f. 4-12-10, cert. ef. 5-1-10; DPSST 11-2013, f. & cert. ef. 6-24-13; DPSST 18-2013, f. & cert. ef. 7-23-13; DPSST 1-2014, f. & cert. ef. 1-2-14; DPSST 17-2014, f. & cert. ef. 7-23-14

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

Adm. Order No.: DPSST 18-2014

Filed with Sec. of State: 7-23-2014

Certified to be Effective: 7-23-14

ADMINISTRATIVE RULES

Notice Publication Date: 7-1-2014

Rules Amended: 259-008-0080

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

Rules Coordinator: Sharon Huck—(503) 378-2432

259-008-0080

Certification of Instructors

(1) Standards and Certification will certify instructors deemed qualified to teach all mandated training courses.

(2) Minimum Standards for Instructor Certification:

(a) Fingerprints.

(A) Prior to the date of employment, instructors must be fingerprinted on standard applicant fingerprint cards. The hiring agency is responsible for fingerprinting and must forward a card to the Oregon State Police Identification Services Section for processing and assignment of an identification number.

(B) If any procedural change is made by either the Federal Bureau of Investigation or the Oregon State Police Identification Services Section the Department must comply with the most current requirements.

(b) Criminal Records. No instructor may have been convicted:

(A) In this state or any other jurisdiction, of a crime designated under the law where the conviction occurred as being punishable as a felony or as a crime for which a maximum term of imprisonment of more than one year may be imposed;

(B) Of violating any law involving the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug;

(C) In this state of violating any law subject to denial or revocation as identified in OAR 259-008-0070 or has been convicted of violating the statutory counterpart of any of those offenses in any other jurisdiction.

(c) Notification of Conviction:

(A) An instructor who is convicted of a crime, as identified in OAR 259-008-0070, while employed by a public or private safety agency or the Department must notify the agency head within 72 hours of the conviction.

(B) When an agency receives notification of a conviction from its employee or another source, they must notify Standards and Certification within five business days. The notification must be in writing and include the specific charges of the conviction, the county and state where the conviction occurred, the investigating agency and the date of the conviction.

(d) Moral Fitness (Professional Fitness). All instructors must be of good moral fitness. For purposes of this standard, lack of good moral fitness includes, but is not limited to:

(A) Mandatory disqualifying misconduct as described in OAR 259-008-0070(3); or

(B) Discretionary disqualifying misconduct as described in OAR 259-008-0070(4).

(e) Training Requirements:

(A) All instructors must complete a Department-approved Basic Instructor Development Course or equivalent Department-approved training. The course must include instruction on the theory and application of adult learning principles.

(B) Instructors whose certification has lapsed must satisfactorily complete an Instructor Development Course to qualify for re-certification. This requirement may be waived by Standards and Certification upon a finding that the applicant has current knowledge and skills to instruct mandated courses.

(f) Professional experience. Instructors must demonstrate:

(A) Notwithstanding (f) (B), three years' experience in a certifiable public safety position.

(B) Standards and Certification may, at its sole discretion, waive the requirement that the experience be in a certifiable public safety position. Such a waiver will be based on documentation that an individual has non-certified, professional or educational experience which allows them to possess the requisite knowledge, skills and abilities to instruct mandated courses.

(g) It is the continuing responsibility of the agency utilizing certified

instructors to ensure that instructors are assigned only topics which they are qualified to teach and the instruction is evaluated on a regular basis.

(h) All applicants for initial certification must submit an Instructor Certification Application (DPSST Form F-9) with any required documentation to Standards and Certification.

(3) Instructor certification is not required for instructors who instruct non-mandated courses.

(4) Review of instructor certification will be the responsibility of Standards and Certification. Reviews may be initiated upon the request of a department head, staff, or other reliable source.

[ED. NOTE: Form referenced is available from the agency.]

Stat. Auth.: ORS 181.640 & 181.650

Stats. Implemented: ORS 181.640 & 181.650

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1983, f. & ef. 12-15-83; Renumbered from 259-010-0060, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98. BPSST 22-2002, f. & cert. ef. 11-18-02, DPSST 17-2013, f. & cert. ef. 7-23-13; DPSST 1-2014, f. & cert. ef. 1-2-14; DPSST 5-2014, f. & cert. ef. 1-29-14; DPSST 18-2014, f. & cert. ef. 7-23-14

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

Adm. Order No.: DPSST 19-2014

Filed with Sec. of State: 7-23-2014

Certified to be Effective: 7-23-14

Notice Publication Date: 7-1-2014

Rules Amended: 259-008-0067

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

Rules Coordinator: Sharon Huck—(503) 378-2432

259-008-0067

Lapsed Certification

(1) The certification of any law enforcement officer who does not serve as a law enforcement officer or any certified reserve officer who is not utilized as a certified reserve officer for any period of time in excess of three consecutive months is lapsed.

(a) Upon reemployment as a law enforcement officer, or recommencing service as a certified reserve officer, the person whose certification has lapsed must reapply for certification in the manner provided in the Act and these rules.

(b) Notwithstanding subsection (1), the certification of a law enforcement officer or certified reserve officer does not lapse if the officer is on leave from a law enforcement unit.

(2) The certification of any telecommunicator or emergency medical dispatcher who is not utilized as a telecommunicator or emergency medical dispatcher for any period of time in excess of 12 consecutive months is lapsed.

(a) Upon reemployment as a telecommunicator or emergency medical dispatcher, the person whose certification has lapsed must reapply for certification in the manner provided in the Act and these rules.

(b) Notwithstanding subsection (2), the certification of a telecommunicator or emergency medical dispatcher does not lapse if the telecommunicator or emergency medical dispatcher is on leave from a public or private safety agency.

(3) The certification of any instructor who is not utilized as an instructor for any period of time in excess of five years is lapsed. Upon reemployment as an instructor, the person whose certification has lapsed may reapply for certification in the manner provided in OAR 259-008-0080.

Stat. Auth.: ORS 181.652, 181.653 & 181.667

Stats. Implemented: ORS 181.652, 181.653 & 181.667

Hist.: BPSST 9-2003, f. & cert. ef. 4-22-03; DPSST 5-2004, f. & cert. ef. 4-23-04; DPSST 7-2010, f. 7-15-10, cert. ef. 8-1-10; DPSST 10-2013(Temp), f. & cert. ef. 6-5-13 thru 10-1-13; DPSST 19-2013, f. & cert. ef. 9-23-13; DPSST 5-2014, f. & cert. ef. 1-29-14; DPSST 19-2014, f. & cert. ef. 7-23-14

Rule Caption: Clarify DPSST's procedures for reviewing discretionary disqualifying conduct, revise wording regarding default orders, error corrections.

Adm. Order No.: DPSST 20-2014

Filed with Sec. of State: 7-30-2014

Certified to be Effective: 7-30-14

Notice Publication Date: 7-1-2014

ADMINISTRATIVE RULES

Rules Amended: 259-008-0070, 259-009-0070, 259-060-0300, 259-061-0300

Subject: The language concerning Default Orders has been clarified to differentiate between cases that have been brought before a policy committee and cases that have been handled administratively, when a timely request for a hearing is not received. This rule change has been applied to all applicable areas of DPSST's rules and also provides housekeeping.

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

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

Rules Coordinator: Sharon Huck—(503) 378-2432

259-008-0070

Denial/Revocation

(1) It is the responsibility of the Board to set the standards, and of the Department to uphold them, to ensure the highest levels of professionalism and discipline. These standards shall be upheld at all times unless the Board determines that neither the safety of the public nor respect of the profession is compromised.

(2) Definitions. For purposes of this rule, the following definitions apply:

(a) "Denial" or "Deny" means the refusal to grant a certification for mandatory grounds or discretionary disqualifying misconduct as identified in this rule, pursuant to the procedures identified in (9) of this rule.

(b) "Discretionary Disqualifying Misconduct" means misconduct identified in OAR 259-008-0070(4).

(c) "Revocation" or "Revoke" means to withdraw the certification of a public safety professional for mandatory grounds or discretionary disqualifying misconduct as identified in this rule, pursuant to the procedures identified in section (9) of this rule.

(3) Mandatory Grounds for Denying or Revoking Certification of a Public Safety Professional:

(a) Standards and Certification must deny or revoke the certification of any public safety professional after written notice and hearing, based upon a finding that:

(A) The public safety professional has been discharged for cause from employment as a public safety professional. For purposes of this rule, "discharged for cause," means an employer-initiated termination of employment for any of the following reasons after a final determination has been made. If, after service by Standards and Certification of a Notice of Intent to Deny or Revoke Certifications (NOI), the public safety professional provides notice to Standards and Certification within the time stated in the NOI that the discharge has not become final, then Standards and Certification may stay further action, pending a final determination.

(i) Dishonesty: Includes untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification;

(ii) Disregard for the Rights of Others: Includes violating the constitutional or civil rights of others, conduct demonstrating a disregard for the principles of fairness, respect for the rights of others, protecting vulnerable persons, and the fundamental duty to protect and serve the public.

(iii) Gross Misconduct: means an act or failure to act that creates a danger or risk to persons, property, or to the efficient operation of the agency, recognizable as a gross deviation from the standard of care that a reasonable public safety professional would observe in a similar circumstance;

(iv) Incompetence: means a demonstrated lack of ability to perform the essential tasks of a public safety professional that remedial measures have been unable to correct; or

(v) Misuse of Authority: Includes abuse of public trust, abuse of authority to obtain a benefit, avoid a detriment, or harm another, and abuse under the color of office.

(B) The public safety professional has been convicted in this state or any other jurisdiction of a crime designated under the law where the con-

viction occurred as being punishable as a felony or as a crime for which a maximum term of imprisonment of more than one year may be imposed;

(C) The public safety professional has been convicted of violating any law of this state or any other jurisdiction involving the unlawful use, possession, delivery or manufacture of a controlled substance, narcotic or dangerous drug, except the Department may deny certification for a conviction of possession of less than one ounce of marijuana, which occurred prior to certification; or

(D) The public safety professional has been convicted in this state of any of the following offenses, or of their statutory counterpart(s) in any other jurisdiction, designated under the law where the conviction occurred as being punishable as a crime:

25.785(3) (False Submission of a Statement Regarding Social Security Number);
106.041(5) (Intentional False Statement on Marriage License; Application);
162.075 (False swearing);
162.085 (Unsworn falsification);
162.145 (Escape in the third degree);
162.175 (Unauthorized departure);
162.195 (Failure to appear in the second degree);
162.235 (Obstructing governmental or judicial administration);
162.247 (Interfering with a peace officer);
162.257 (Interfering with a firefighter or emergency medical technician);
162.295 (Tampering with physical evidence);
162.305 (Tampering with public records);
162.315 (Resisting arrest);
162.335 (Compounding);
162.365 (Criminal impersonation);
162.369 (Possession of false law enforcement identification);
162.375 (Initiating a false report);
162.385 (Giving false information to a peace officer for a citation or arrest warrant);
162.415 (Official misconduct in the first degree);
163.200 (Criminal mistreatment in the second degree);
163.454 (Custodial sexual misconduct in the second degree);
163.687 (Encouraging child sexual abuse in the third degree);
163.732 (Stalking);
164.045 (Theft in the second degree);
164.085 (Theft by deception);
164.095 (Theft by receiving);
164.125 (Theft of services);
164.235 (Possession of a burglary tool or theft device);
164.877 (Unlawful tree spiking; unlawful possession of substance that can damage certain wood processing equipment);
165.007 (Forgery in the second degree);
165.017 (Criminal possession of a forged instrument in the second degree);
165.037 (Criminal simulation);
165.042 (Fraudulently obtaining a signature);
165.047 (Unlawfully using slugs);
165.055 (Fraudulent use of a credit card);
165.065 (Negotiating a bad check);
165.080 (Falsifying business records);
165.095 (Misapplication of entrusted property);
165.100 (Issuing a false financial statement);
165.102 (Obtain execution of documents by deception);
165.118(1) (Unlawfully Altering Metal Property);
165.118(2)(a)(b) (False Statement on a Metal Property Record);
165.825 (Sale of drugged horse);
166.065(1)(b) (Harassment);
166.155 (Intimidation in the second degree);
166.270 (Possession of weapons by certain felons);
166.350 (Unlawful possession of armor-piercing ammunition);
166.416 (Providing false information in connection with a transfer of a firearm);
166.418 (Improperly transferring a firearm);
166.470 (Limitations and conditions for sales of firearms);
167.007 (Prostitution);
167.075 (Exhibiting an obscene performance to a minor);
167.080 (Displaying obscene materials to minors);
167.132 (Possession of gambling records in the second degree);
167.147 (Possession of a gambling device);
167.222 (Frequenting a place where controlled substances are used);
167.262 (Adult using minor in commission of controlled substance offense);
167.320 (Animal abuse in the first degree);
167.330 (Animal neglect in the first degree);
167.332 (Prohibition against possession of domestic animal);
167.333 (Sexual assault of animal);
167.337 (Interfering with law enforcement animal);
167.355 (Involvement in animal fighting);
167.370 (Participation in dogfighting);
167.431 (Participation in cockfighting);
167.820 (Concealing the birth of an infant);
305.815 (False Swearing of Return, Statement or Other Tax Document);
307.990 (Willful False Statement to Property Tax Assessment Officer);
398.224 (Refusal to Appear to Testify);
462.415(2) (Racing a Prohibited Animal);
462.420 (Stimulating or Depressing Participating Animal);
462.430 (Influencing the Results of Races);
462.450 (Possession, Transportation or Use of Drugs at Race Course);
462.460 (Racing an Animal Under Name or Designation Other than Registered Name or Designation or Altering License);
462.470 (Aiding or Abetting Racing Animal Under Name or Designation Other than Registered Name or Designation);
475.525 (Sale of drug paraphernalia);
475.840 (Manufacture or deliver a controlled substance);
475.860 (Unlawful delivery of marijuana);
475.864 (Unlawful possession of marijuana);

ADMINISTRATIVE RULES

475.906 (Distribution of controlled substance to minors);
475.910 (Application of controlled substance to the body of another person);
475.912 (Unlawful delivery of imitation controlled substance);
475.914 (Unlawful acts, registrant delivering or dispensing controlled substance);
475.916 (Prohibited acts involving records and fraud);
475.918 (Falsifying drug test results);
475.920 (Providing drug test falsification equipment);
475.950 (Failure to report precursor substances transaction);
475.955 (Failure to report missing precursor substances);
475.960 (Illegally selling drug equipment);
475.965 (Providing false information on precursor substances report or record);
475.969 (Unlawful possession of phosphorus);
475.971 (Unlawful possession of anhydrous ammonia);
475.973 (Unlawful possession of ephedrine, pseudoephedrine or phenylpropranolamine; unlawful distribution);
475.975 (Unlawful possession of iodine in its elemental form);
475.976 (Unlawful possession of iodine matrix);
657.300 (False Statements or Failure to Report Material Fact by Employer);
657.495 (Fraudulently Lowering Contributions);
658.415 (False Swearing or Affirmation of Application of License, Proof of Insurance and Financial Responsibilities of Farm Labor Contractors);
659.810 (Filing a False Statement with Employment Agency to Secure Labor);
679.170(3) (Fraudulent Alteration of Diploma, Certificate or Transcript);
679.170(5) (Willful False Statement to Oregon Board of Dentistry);
689.995 (Willfully Furnishing False Information; Pharmacists, Drug Outlets, Drug Sales);
807.520 (False swearing to receive license);
807.620 (Giving false information to police officer);

(E) Any offense involving any acts of domestic violence as defined in ORS 135.230.

(b) Standards and Certification must take action on a mandatory disqualifying conviction, regardless of when it occurred, unless Standards and Certification, or the Board, has previously reviewed the conviction and approved the public safety professional for certification under a prior set of standards.

(4) Discretionary disqualifying misconduct as Grounds for Denying or Revoking Certification(s) of a Public Safety Professional:

(a) Standards and Certification may deny or revoke the certification of any public safety professional after written notice, and a hearing, if requested, based upon a finding that:

(A) The public safety professional falsified any information submitted on the application for certification or on any documents submitted to the Board or Department;

(B) The public safety professional has engaged in conduct that fails to meet the applicable minimum standards as described in subsection (b), minimum training or the terms and conditions established under ORS 181.640;

(C) The public safety professional has engaged in conduct that resulted in the conviction of an offense, punishable as a crime, other than a mandatory disqualifying crime listed in section (3) of this rule, in this state or any other jurisdiction. Presumptive categories have been identified for the crimes listed in subsection (4), based solely on the elements of the crime. Other categories may apply based on the conduct leading to the conviction; or

(D) A public safety officer failed to attend at least one session with a mental health professional within six months after the public safety officer was involved in using deadly physical force, as required by ORS 181.789.

(b) For purposes of this rule, discretionary disqualifying misconduct includes misconduct falling within the following categories:

(A) Category I: Dishonesty: Includes untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification;

(B) Category II: Disregard for the Rights of Others: Includes violating the constitutional or civil rights of others, and conduct demonstrating a disregard for the principles of fairness, respect for the rights of others, protecting vulnerable persons, and the fundamental duty to protect or serve the public;

(C) Category III: Misuse of Authority: Includes abuse of public trust, obtaining a benefit, avoidance of detriment, or harming another, and abuses under the color of office;

(D) Category IV: Gross Misconduct: Means an act or failure to act that creates a danger or risk to persons, property, or to the efficient operation of the agency, recognizable as a gross deviation from the standard of care that a reasonable public safety professional would observe in a similar circumstance;

(E) Category V: Misconduct: Misconduct includes conduct that violates the law, practices or standards generally followed in the Oregon public safety profession. By definition, all criminal convictions meet the definition of Misconduct within this category. NOTE: It is the intent of this rule that "Contempt of Court" meets the definition of Misconduct within this category; or

(F) Category VI: Insubordination: Includes a refusal by a public safety professional to comply with a rule or order, where the order was reason-

ably related to the orderly, efficient, or safe operation of the agency, and where the public safety professional's refusal to comply with the rule or order constitutes a substantial breach of that person's duties.

(c) For discretionary disqualifying misconduct, the applicable category will be determined based on the facts of each case. Discretionary disqualifying misconduct under (a)(C) includes, but is not limited to, the following list, which identifies the applicable category for each listed discretionary offense, based on the elements of the crime.

NOTE: Those criminal convictions not listed below are presumptively considered Misconduct (Category V):

25.260 (Unlawful Disclosure of Confidential Records of Child Support Division) — Category II;
162.405 (Official Misconduct in the Second Degree) — Category III;
162.425 (Misuse of Confidential Information) — Category III;
162.465 (Unlawful Legislative Lobbying) — Category I;
163.160 (Assault in the Fourth Degree) — Category II;
163.187 (Strangulation) — Category II;
163.190 (Menacing) — Category II;
163.195 (Recklessly Endangering Another Person) — Category IV;
163.212 (Unlawful Use of Stun Gun, Tear Gas or Mace in the Second Degree) — Category IV;
163.415 (Sexual Abuse in the Third Degree) — Category II;
163.435 (Contributing to the Sexual Delinquency of a Minor) — Category II;
163.445 (Sexual Misconduct) — Category II;
163.465 (Public Indecency) — Category II;
163.467 (Private Indecency) — Category II;
163.545 (Child Neglect in the Second Degree) — Category IV;
163.693 (Failure to Report Child Pornography) — Category IV;
163.575 (Endangering the Welfare of a Minor) — Category III;
163.700 (Invasion of Personal Privacy) — Category II;
163.709 (Unlawful Directing of Light from a Laser Pointer) — Category IV;
164.162 (Mail Theft or Receipt of Stolen Mail) — Category I;
164.265 (Criminal Trespass While in Possession of a Firearm) — Category IV;
164.272 (Unlawful Entry into a Motor Vehicle) — Category IV;
164.335 (Reckless Burning) — Category IV;
164.785 (Placing Offensive Substances in waters/on highways or property) — Category IV;
164.845 (FTA on Summons for ORS 164.813 or 164.825) — Category IV;
164.887 (Interference with Agricultural Operations) — Category II;
165.540 (Obtaining Contents of Communications) — Category IV;
165.570 (Improper Use of Emergency Reporting System) — Category IV;
165.572 (Interference with Making a Report) — Category II;
165.577 (Cellular Counterfeiting in the Third Degree) — Category I;
165.805 (Misrepresentation of Age by a Minor) — Category I;
166.025 (Disorderly Conduct in the Second Degree) — Category IV;
166.027 (Disorderly Conduct in the First Degree) — Category IV;
166.075 (Abuse of Venerated Objects) — Category II;
166.076 (Abuse of a Memorial to the Dead) — Category II;
166.090 (Telephonic Harassment) — Category II;
166.095 (Misconduct with Emergency Telephone Calls) — Category IV;
166.155 (Intimidation in the Second Degree) — Category II;
166.180 (Negligently Wounding Another) — Category IV;
166.190 (Pointing a Firearm at Another) — Category IV;
166.240 (Carrying a Concealed Weapon) — Category IV;
166.250 (Unlawful Possession of a Firearm) — Category IV;
166.320 (Setting of a Springgun or Setgun) — Category IV;
166.385 (Possession of Hoax Destructive Device) — Category IV;
166.425 (Unlawful Purchase of Firearm) — Category I;
166.427 (Register of Transfers of Used Firearms) — Category IV;
166.480 (Sale or Gift of Explosives to Children) — Category IV;
166.635 (Discharging Weapon or Throwing Object at Trains) — Category IV;
166.638 (Discharging Weapon Across Airport Operational Surfaces) — Category IV;
166.649 (Throwing Object off Overpass in the Second Degree) — Category IV;
167.312 (Research and Animal Interference) — Category II;
167.315 (Animal Abuse in the Second Degree) — Category IV;
167.325 (Animal Neglect in the Second Degree) — Category IV;
167.340 (Animal Abandonment) — Category IV;
167.352 (Interfering with Assistance, Search and Rescue or Therapy Animal) — Category IV;
167.385 (Unauthorized Use of Livestock Animal) — Category II;
167.388 (Interference with Livestock Production) — Category II;
167.808 (Unlawful Possession of Inhalants) — Category IV;
167.810 (Creating a Hazard) — Category IV;
167.822 (Improper Repair Vehicle Inflatable Restraint System) — Category IV;
241.525 (Corrupt Practices) — Category III;
Chapter 319 (Any Violation Involving a False Statement – Motor Vehicle and Aircraft Fuel Tax) — Category I;
411.320 (Disclosure and Use of Public Assistance Records) — Category II;
468.956 (Refusal to Produce Material Subpoenaed by the Commission) — Category IV;
471.410 (Providing Liquor to Person under 21 or to Intoxicated Person) — Category IV;
609.805 (Misrepresentation of Pedigree; Mutilation of Certificate or Proof of Pedigree) — Category I;
609.990(3)(a) (Violation of ORS 609.098 — Maintaining a Dangerous Dog) — Category IV;
632.470 (False Representation as to Raising, Production or Packaging) — Category I;
632.475 (Possession of Unlabeled, Falsely Labeled or Deceptively Packed Products) — Category I;
657.295 (Violation of Unemployment Insurance Witness Fees, Disputed Claims Expenses and Counsel Fees) — Category I;
659.800 (Use of Force or Misrepresentation to Prevent Employment) — Category I;
659.805 (Blacklisting and Blackmailing) — Category II;
659.815 (Deceptive Representations or Advertisements by Persons Employing Labor) — Category I;

ADMINISTRATIVE RULES

659.845 (Fraudulently Accepting Advancement and Refusing to Work) – Category I;
661.040 (Violation of Limitations of Fees Charged laborers by Collective Bargaining Agents) – Category I;
661.260 (False Filing or Fraudulent Filing) – Category I;
688.120 (Fraudulent Representation as a Physical Therapist or Physical Therapist Assistant) – Category I;
731.260 (False or Misleading Filings; Insurance Code) – Category I;
803.225 (Failure to Designate Replica Vehicle in Title or Registration Application) – Category I;
807.430 (Misuse of Identification Card) – Category I;
807.510 (Transfer of documents for the purpose of misrepresentation) – Category I;
807.530 (False Application for License) – Category I;
807.580 (Using Invalid License) – Category I;
807.590 (Permitting Misuse of License) – Category I;
807.600 (Using Another's License) – Category I;
811.060 (Vehicular Assault of Bicyclist or Pedestrian) – Category IV;
811.140 (Reckless Driving) – Category IV;
811.182 (Criminal Driving While Suspended or Revoked) – Category IV;
811.231 (Reckless Endangerment of Highway Workers) – Category IV;
811.540 (Fleeing or Attempt to Elude a Police Officer) – Category IV;
811.700 (Failure to Perform Duties of Driver when Property is Damaged) – Category IV;
811.740 (False Accident Report) – Category I;
813.010 (Driving Under the Influence of Intoxicants) – Category IV;
825.990(3)(d) (False Material Statement or Representation in any Application, Label, Manifest, Record, Report, Permit or Other Document Filed, Maintained or Used for Purposes of Compliance) – Category I;
825.990(3)(e) (Failure to Include Material Information Required by Department of Transportation) – Category I;
830.035(2) (Fleeing; Attempts to Elude) – Category IV;
830.053 (False or Fraudulent Report of Theft of Boat) – Category I;
830.315(1) (Reckless Operation) – Category IV;
830.325 (Operate a Boat while Under the Influence of Intoxicating Liquor or Controlled Substance) – Category IV;
830.475(1) (Failure to Perform the Duties of an Operator at Accident) – Category IV;
830.730 (False Information) – Category I;
830.994 (Operate a Boat in Violation of a Court Order) – Category IV;
837.080 (Prohibited Operation of an Aircraft) – Category IV.

(d) Initial Periods of Ineligibility. Upon determination to proceed with the denial or revocation of a public safety professional's certification based on discretionary disqualifying misconduct identified in subsection (a), an initial minimum period of ineligibility to apply for certification will be determined based upon the category of misconduct (i.e., Dishonesty, Disregard for Rights of Others, Misuse of Authority, Gross Misconduct, Misconduct or Insubordination).

(e) Following review and recommendation by a Policy Committee, the Board will determine the initial minimum period of ineligibility for discretionary disqualifying misconduct identified in subsection (a) from the time frame identified below for each category of discretionary disqualifying misconduct:

- (A) Category I: Dishonesty (5 years to Lifetime).
- (B) Category II: Disregard for Rights of Others (5 years to 15 years).
- (C) Category III: Misuse of Authority (5 years to 10 years).
- (D) Category IV: Gross Misconduct (5 years to 10 years).
- (E) Category V: Misconduct (3 years to 7 years).
- (F) Category VI: Insubordination (3 years to 7 years).

(5) Eligibility to Reapply; Ineligibility Periods. A person is not eligible to reapply for training or certification if the person had training or certification denied or revoked for:

- (a) Mandatory grounds identified in section (3) of this rule; or
- (b) Discretionary Disqualifying Misconduct identified in section (4) of this rule that is determined to be a Category I lifetime disqualifier.

(6) Eligibility to reapply for certification:

(a) In determining the initial minimum period of ineligibility within any category for discretionary disqualifying misconduct listed in section (4) of this rule, the Board will take into consideration any mitigating or aggravating factors, subject to the provisions of section (9) of this rule.

(b) The initial minimum period of ineligibility will be included in any Final Order of the Department.

(c) Any subsequent eligibility to apply for certification will be determined by the Board, after Policy Committee review, subject to the provisions of section (11) of this rule.

(7) Guidelines for Denial or Revocation Based on Discretionary Disqualifying Misconduct. In determining whether to take action on a conviction, Standards and Certification must use the following guidelines:

(a) In making a decision on a discretionary denial or revocation, Standards and Certification will consider the implementation dates relating to new mandatory conviction notification requirements adopted in 2003 and statutory changes dealing with lifetime disqualifier convictions for public safety professionals adopted in 2001.

(b) Standards and Certification will not take action on a conviction constituting discretionary disqualifying misconduct that occurred prior to January 1, 2001. However, Standards and Certification may consider such

conviction as evidence that a public safety professional does not meet the established moral fitness guidelines.

(c) Standards and Certification may take action on any conviction constituting discretionary disqualifying misconduct that occurred after January 1, 2001; however, crimes with a presumptive category of only Misconduct (Category V) may be appropriate for summary staff disposition or administrative closure if the conviction occurred seven years or more prior to the date of review and it represents the sole criminal conviction in the public safety professional's history.

(d) The Board may reconsider any mandatory conviction which subsequently becomes a conviction constituting discretionary disqualifying misconduct, upon the request of the public safety professional.

(e) The length of ineligibility for training or certification based on a conviction begins on the date of conviction.

(f) Standards and Certification will not take action against a public safety professional or agency for failing to report, prior to January 1, 2003, a conviction that constitutes discretionary disqualifying misconduct.

(g) Standards and Certification may take action against a public safety professional or agency for failing to report, after January 1, 2003, any conviction that constitutes discretionary disqualifying misconduct.

(8) Scope of Revocation. Whenever the Department revokes the certification of any public safety professional under the provisions of OAR 259-008-0070, the revocation will encompass all public safety certificates, except fire certification(s), the Department has issued to that person.

(9) Denial and Revocation Procedure.

(a) Agency Initiated Review: When the entity utilizing a public safety professional requests that a public safety professional's certification be denied or revoked, it must submit in writing to Standards and Certification the reason for the requested denial or revocation and all factual information supporting the request.

(b) Standards and Certification Initiated Review: Upon receipt of factual information from any source, and pursuant to ORS 181.662, Standards and Certification may request that the public safety professional's certification be denied or revoked.

(c) Standards and Certification Staff Review: When Standards and Certification receives information, from any source, that a public safety professional may not meet the established standards for Oregon public safety professionals, Standards and Certification will review the request and the supporting factual information to determine if the request for denial or revocation meets statutory and administrative rule requirements.

(A) If the reason for the request does not meet the statutory and administrative rule requirements for denial or revocation Standards and Certification will notify the requestor.

(B) If the reason for the request does meet statutory and administrative rule requirements but is not supported by adequate factual information, Standards and Certification will request further information from the employer or conduct its own investigation of the matter.

(C) If Standards and Certification determines that a public safety professional may have engaged in discretionary disqualifying misconduct listed in subsection (4), the case may be presented to the Board, through a Policy Committee.

(D) Standards and Certification will seek input from the affected public safety professional, allowing him or her to provide, in writing, information for the Policy Committee and Board's review.

(E) In misconduct cases where there has been an arbitrator's opinion related to the public safety professional's employment, Standards and Certification will proceed as follows:

(i) If the arbitrator's opinion finds that underlying facts supported the allegations of misconduct, Standards and Certification will proceed as identified in paragraphs (A) through (D) of this subsection.

(ii) If the arbitrator has ordered employment reinstatement after a discharge for cause without a finding related to whether the misconduct occurred, Standards and Certification will proceed as identified in paragraphs (A) through (D) of this subsection.

(iii) If the arbitrator's opinion finds that underlying facts did not support the allegation(s) of misconduct, Standards and Certification will proceed as identified in paragraph (A) of this subsection and administratively close the matter.

(d) Policy Committee and Board Review: In making a decision to authorize initiation of proceedings under subsection (e) of this rule, based on discretionary disqualifying misconduct, the Policy Committees and Board will consider mitigating and aggravating circumstances, including, but not limited to, the following:

(A) When the misconduct occurred in relation to the public safety professional's employment in public safety (i.e., before, during after);

ADMINISTRATIVE RULES

- (B) If the misconduct resulted in a conviction:
- (i) Whether it was a misdemeanor or violation;
 - (ii) The date of the conviction(s);
 - (iii) Whether the public safety professional was a minor at the time and tried as an adult;
 - (iv) Whether the public safety professional served time in prison or jail and the length of incarceration;
 - (v) Whether restitution was ordered, and whether the public safety professional met all obligations;
 - (vi) Whether the public safety professional has ever been on parole or probation. If so, the date the parole or probation period expired or will expire; and
 - (vii) Whether the public safety professional has more than one conviction and over what period of time;
- (C) Whether the public safety professional engaged in the same misconduct more than once and over what period of time;
- (D) Whether the actions of the public safety professional reflect adversely on the profession or would cause a reasonable person to have substantial doubts about the public safety professional's honesty, fairness, respect for the rights of others, or for the laws of the state or the nation;
- (E) Whether the misconduct involved domestic violence;
- (F) Whether the public safety professional self-reported the misconduct;
- (G) Whether the conduct adversely reflects on the fitness of the public safety professional to perform as a public safety professional;
- (H) Whether the conduct renders the public safety professional otherwise unfit to perform their duties because the agency or public has lost confidence in the public safety professional; and
- (I) What the public safety professional's physical or emotional condition was at the time of the conduct.
- (e) Initiation of Proceedings: Upon determination that the reason for denial or revocation is supported by factual data meeting the statutory and administrative rule requirements, a contested case notice will be prepared and served on the public safety professional.
- (f) Contested Case Notice:
- (A) All contested case notices will be prepared in accordance with the applicable provisions of the Attorney General's Model Rules or Procedures adopted under OAR 259-005-0015.
- (B) In discretionary cases heard by a policy committee, the contested case notice will be served on the public safety professional prior to Board review. If the Board disapproves the policy committee's recommendation, the Department will withdraw the Contested Case Notice.
- (g) Response Time:
- (A) A party who has been served with a "Contested Case Notice of Intent to Deny Certification" has 60 days from the date of mailing or personal service of the notice in which to file a written request for a hearing with the Department.
- (B) A party who has been served with the "Contested Case Notice of Intent to Revoke Certification" has 20 days from the date of mailing or personal service of the notice in which to file a written request for hearing with the Department.
- (h) Default Orders:
- (A) If a timely request for a hearing is not received, the Contested Case Notice will become a final order denying or revoking certification pursuant to OAR 137-003-0672.
- (B) If a timely request for a hearing is not received in cases heard by a policy committee, the Contested Case Notice will become a final order denying or revoking certification pursuant to OAR 137-003-0672, pending Board affirmation.
- (i) Hearing Request: If a timely request for a hearing is received, the Department will refer the matter to the Office of Administrative Hearings in accordance with OAR 137-003-0515.
- (j) Proposed and Final Orders:
- (A) In cases in which a hearing is requested, proposed orders, exceptions, and final orders will be issued pursuant to the applicable provisions of the Attorney General's Model Rules of Procedures adopted under OAR 259-005-0015.
- (B) Department-proposed amendments to a proposed order issued by an Administrative Law Judge 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 can be issued.
- (k) Stipulated Order Revoking Certification: The Department may enter a stipulated order revoking the certification of a public safety professional upon the person's voluntary agreement to terminate an administra-

tive proceeding to revoke a certification, or to relinquish a certification, under the terms and conditions outlined in the stipulated order.

(10) Appeal Procedure. A public safety professional, aggrieved by the findings and Order of the Department may, as provided in ORS 183.480, file an appeal with the Court of Appeals from the final Order of the Department.

(11) Reapplication Process.

(a) Any public safety professional whose certification has been denied or revoked pursuant to section (4) of this rule, may reapply for certification within the applicable timeframes described in sections (4) through (6) of this rule. The initial minimum ineligibility period will begin on the date an Order of the Department denying or revoking certification becomes final. The initial minimum ineligibility period will cease when the applicable timeframe stated in the Order has been satisfied.

(b) Any public safety professional whose certification has been denied or revoked based on discretionary disqualifying misconduct may not reapply for certification until:

(A) The initial minimum period of ineligibility stated in an Order of the Department denying or revoking certification has been satisfied;

(i) If the initial period of ineligibility for the individual was for a period of less than the maximum period identified in section (4) of this rule, and the Board determines that an individual must remain ineligible to apply for certification, then the individual may not reapply for certification under the provisions of this rule until after the maximum initial period of ineligibility identified in (4) of this rule has been satisfied.

(ii) If the individual has satisfied the maximum initial period of ineligibility and the Board determines that an individual must remain ineligible to apply for certification, then the individual may not submit any further requests for an eligibility determination, and the original denial or revocation remains permanent.

(B) A written request for an eligibility determination has been submitted to the Department and a Policy Committee has recommended that a public safety professional's eligibility to apply for public safety or instructor certification be restored and the Board has upheld the recommendation;

(i) A request for an eligibility determination should include documentation or information that supports the public safety professional's request for eligibility to apply for certification.

(ii) In considering a request for an eligibility determination, the Policy Committee and the Board may consider mitigating and aggravating circumstances identified in Section 9(d) of this rule.

(iii) After reviewing a written request for an eligibility determination, the Board, through a Policy Committee, may determine that the individual's eligibility to apply for certification be restored if the criteria for certification have been met; or determine that the factors that originally resulted in denial or revocation have not been satisfactorily mitigated and the individual must remain ineligible to apply for certification.

(C) The public safety professional is employed or utilized by a public safety agency or the Department; and

(D) All requirements for certification have been met.

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

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

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 1-1980(Temp), f. & ef. 6-26-80; PS 2-1980, f. & ef. 12-8-80; PS 1-1981, f. 9-26-81, ef. 11-2-81; PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; Renumbered from 259-010-0055, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 2-1996, f. 5-15-96, cert. ef. 5-20-96; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 6-2000, f. & cert. ef. 9-29-00; BPSST 14-2001(Temp), f. & cert. ef. 10-26-01 thru 4-5-02; BPSST 5-2002(Temp) f. 4-3-02, cert. ef. 4-6-02 thru 8-1-02; BPSST 16-2002, f. & cert. ef. 7-5-02; BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 7-2003, f. & cert. ef. 4-11-03; DPSST 7-2004, f. & cert. ef. 4-23-04; DPSST 10-2006, f. & cert. ef. 7-6-06; DPSST 16-2008, f. & cert. ef. 10-15-08; DPSST 21-2008, f. 12-15-08, cert. ef. 1-1-09; DPSST 11-2011, f. & cert. ef. 7-1-11; DPSST 11-2012, f. & cert. ef. 4-24-12; DPSST 19-2012, f. & cert. ef. 8-31-12; DPSST 22-2012, f. & cert. ef. 10-23-12; DPSST 26-2012(Temp), f. & cert. ef. 12-14-12 thru 6-12-13; DPSST 3-2013, f. & cert. ef. 1-22-13; DPSST 21-2013, f. & cert. ef. 9-23-13; DPSST 1-2014, f. & cert. ef. 1-2-14; DPSST 4-2014, f. & cert. ef. 1-28-14; DPSST 7-2014(Temp), f. & cert. ef. 2-27-14 thru 8-1-14; DPSST 16-2014, f. & cert. ef. 6-24-14; DPSST 20-2014, f. & cert. ef. 7-30-14

259-009-0070

Denial/Revocation

(1) It is the responsibility of the Board to set the standards, and of the Department to uphold them, to ensure the highest levels of professionalism and discipline. These standards will be upheld at all times, unless the Board determines that the safety of the public or respect of the profession is compromised.

(2) Definitions. For purposes of this rule, the following definitions will apply:

(a) "Denial" or "Deny" means the refusal to grant a fire service certification for mandatory grounds or discretionary disqualifying misconduct

ADMINISTRATIVE RULES

as identified in this rule, pursuant to the procedures identified in (6) of this rule.

(b) “Discretionary Conviction” means a conviction identified in OAR 259-009-0070(4).

(c) “Discretionary Disqualifying Misconduct” means misconduct identified in OAR 259-009-0070(4).

(d) “Revocation” or “Revoke” means to withdraw the certification of a fire service professional or instructor for mandatory grounds or discretionary disqualifying misconduct as identified in this rule, pursuant to the procedures identified in section (6) of this rule.

(3) Mandatory Grounds for Denying or Revoking Certification of a Fire Service Professional or Instructor:

(a) The Department must deny or revoke the certification of any fire service professional or instructor, after written notice, and a hearing if requested, based upon a finding that:

(A) The fire service professional or instructor has been convicted in this state of a crime listed in ORS 137.700 or in any other jurisdiction of a crime that, if committed in this state would constitute a crime listed in 137.700. Those crimes are:

- 163.095 Attempted Aggravated Murder;
- 163.115 Attempted Murder;
- 163.115 Murder;
- 163.118 Manslaughter in the First Degree;
- 163.125 Manslaughter in the Second Degree;
- 163.149 Aggravated Vehicular Homicide;
- 163.175 Assault in the Second Degree;
- 163.185 Assault in the First Degree;
- 163.225 Kidnapping in the Second Degree;
- 163.235 Kidnapping in the First Degree;
- 163.365 Rape in the Second Degree;
- 163.375 Rape in the First Degree;
- 163.395 Sodomy in the Second Degree;
- 163.405 Sodomy in the First Degree;
- 163.408 Sexual Penetration in the Second Degree;
- 163.411 Sexual Penetration in the First Degree;
- 163.427 Sexual Abuse in the First Degree;
- 163.670 Using a Child in a Display of Sexually Explicit Conduct;
- 164.325 Arson in the First Degree (See exception under OAR 259-009-0070(4));
- 164.405 Robbery in the Second Degree;
- 164.415 Robbery in the First Degree;
- 167.017 Compelling Prostitution.

(B) The fire service professional or instructor has been discharged for cause from employment as a fire service professional or instructor.

(b) For purposes of this rule, “discharged for cause”, means an employer initiated termination of employment for any of the following reasons after a final determination has been made. If, after service by the Department of a Notice of Intent to Deny or Revoke Certifications (NOI), the fire service professional or instructor provides notice to the Department within the time stated in the NOI that the discharge has not become final, then the Department may stay further action pending a final determination.

(A) Dishonesty: Includes untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification;

(B) Disregard for the Rights of Others: Includes violating the constitutional or civil rights of others, conduct demonstrating a disregard for the principles of fairness, respect for the rights of others, protecting vulnerable persons, and the fundamental duty to protect and serve the public;

(C) Gross Misconduct: An act or failure to act that creates a danger or risk to persons, property, or to the efficient operation of the agency, recognizable as a gross deviation from the standard of care that a reasonable fire service professional or instructor would observe in a similar circumstance;

(D) Incompetence: A demonstrated lack of ability to perform the essential tasks of a fire service professional or instructor that remedial measures have been unable to correct;

(E) Misuse of Authority: Includes abuse of public trust, abuse of authority to obtain a benefit, avoid a detriment, or harm another, and abuse under the color of office;

(4) Discretionary disqualifying misconduct as Grounds for Denying or Revoking Certification(s) of a Fire Service Professional or Instructor:

(a) The Department may deny or revoke the certification of any fire service professional or instructor, after written notice, and a hearing, if requested, based upon a finding that:

(A) The fire service professional or instructor falsified any information submitted on the application for certification or on any documents submitted to the Board or Department;

(B) The fire service professional or instructor has been convicted of an offense listed in subsection (4)(c), punishable as a crime, other than a mandatory disqualifying crime listed in section (3) of this rule, in this state or any other jurisdiction.

(b) For purposes of this rule, the Department, through the Fire Policy Committee and Board, has defined core values that are integral to the fire service profession. These values are:

(A) Category I: Honesty. Honesty includes straightforwardness of conduct; integrity, adherence to the facts; freedom from subterfuge or duplicity; truthfulness and sincerity.

(B) Category II: Professionalism. Professionalism includes the conduct, aims, or qualities that characterize or mark a profession or a professional person; extreme competence in an occupation or pursuit.

(C) Category III: Justice. Justice includes just treatment, the quality or characteristics of being just, impartial, or fair.

(c) Pursuant to ORS 181.662(3)(b), the Department has determined that, in the absence of a determination to the contrary by the Fire Policy Committee and Board, a fire service professional or instructor who has been convicted of the following crimes has violated the core values of the fire service profession and may not be fit to receive or hold certification:

- 25.785(3) (False Submission Social Security Number) – Category I;
- 92.337 (Furnishing False Information or Making a False Representation) – Category I;
- 162.015 (Bribe Giving) – Category III;
- 162.025 (Bribe Receiving) – Category III;
- 162.065 (Perjury) – Category I;
- 162.117 (Public Investment Fraud) – Category I;
- 162.155 (Escape in the Second Degree) – Category II;
- 162.165 (Escape in the First Degree) – Category II;
- 162.185 (Supplying Contraband) – Category II;
- 162.205 (Failure to Appear in the First Degree) – Category II;
- 162.265 (Bribing a Witness) – Category III;
- 162.275 (Bribe Receiving by a Witness) – Category III;
- 162.285 (Tampering with a Witness) – Category III;
- 162.305 (Tampering with Public Records) – Category III;
- 162.325 (Hindering Prosecution) – Category III;
- 162.355 (Simulating Legal Process) – Category III;
- 162.365 (Criminal Impersonation) – Category I;
- 162.367 (Criminal Impersonation of a Peace Officer) – Category I;
- 162.415 (Official Misconduct in the First Degree) – Category II;
- 163.145 (Criminally Negligent Homicide) – Category III;
- 163.160 (Assault in the Fourth Degree) – Category III;
- 163.165 (Assault in the Third Degree) – Category III;
- 163.205 (Criminal Mistreatment in the First Degree) – Category III;
- 163.207 (Female Genital Mutilation) – Category III;
- 163.208 (Assaulting a Public Safety Officer) – Category III;
- 163.213 (Unlawful Use of an Electrical Stun Gun, Tear Gas or Mace in the First Degree) – Category II;
- 163.245 (Custodial Interference in the Second Degree) – Category III;
- 163.257 (Custodial Interference in the First Degree) – Category III;
- 163.275 (Coercion) – Category III;
- 163.355 (Rape in the Third Degree) – Category III;
- 163.425 (Sexual Abuse in the Second Degree) – Category III;
- 163.465 (Public Indecency) – Category III;
- 163.515 (Bigamy) – Category III;
- 163.525 (Incest) – Category III;
- 163.535 (Abandonment of a Child) – Category III;
- 163.537 (Buying or Selling a Person Under 18 years of age) – Category III;
- 163.547 (Child Neglect in the First Degree) – Category III;
- 163.555 (Criminal Non-Support) – Category III;
- 163.684 (Encouraging Child Sexual Abuse in the First Degree) – Category III;
- 163.686 (Encouraging Child Sexual Abuse in the Second Degree) – Category III;
- 163.688 (Possession of Materials Depicting Sexually Explicit Conduct of a Child in the Second Degree) – Category III;
- 163.689 (Possession of Materials Depicting Sexually Explicit Conduct of a Child in the Second Degree) – Category III;
- 163.732 (Stalking) – Category III;
- 163.750 (Violating Court’s Stalking Protective Order) – Category III;
- 164.045 (Theft in the Second Degree) – Category I;
- 164.055 (Theft in the First Degree) – Category I;
- 164.057 (Aggravated Theft in the First Degree) – Category I;
- 164.075 (Theft by Extortion) – Category I;
- 164.125 (Theft of Services: by Deception) – Category I;
- 164.135 (Unauthorized Use of a Vehicle) – Category I;
- 164.140 (Criminal Possession of Rented or Leased Personal Property: felony only) – Category I;
- 164.170 (Laundering a Monetary Instrument) – Category I;
- 164.172 (Engaging in a Financial Transaction in Property Derived from Unlawful Activity) – Category I;
- 164.215 (Burglary in the Second Degree) – Category III;
- 164.225 (Burglary in the First Degree) – Category III;
- 164.235 (Possession of a Burglary Tool or Theft Device) – Category III;
- 164.315 (Arson in the Second Degree) – Category II;
- 164.325 (Arson in the First Degree – If not a conviction under ORS 137.700) – Category II;
- 164.365 (Criminal Mischief in the First Degree) – Category III;
- 164.377 (Computer Crime) – Category III;
- 164.395 (Robbery in the Third Degree) – Category III;
- 164.868 (Unlawful Labeling of a Sound Recording) – Category III;
- 164.869 (Unlawful Recording of a Live Performance) – Category III;
- 164.872 (Unlawful Labeling of a Videotape Recording) – Category III;
- 164.885 (Endangering Aircraft) – Category II;
- 164.889 (Interference with Agricultural Research) – Category III;
- 165.013 (Forgery in the First Degree) – Category I;
- 165.022 (Criminal Possession of a Forged Instrument in the First Degree) – Category I;
- 165.032 (Criminal Possession of a Forgery Device) – Category I;

ADMINISTRATIVE RULES

165.055 (Fraudulent Use of a Credit Card: Felony Only) — Category I;
165.065 (Negotiating a Bad Check) — Category I;
165.070 (Possessing Fraudulent Communications Device) — Category I;
165.074 (Unlawful Factoring of Payment Card Transaction) — Category I;
165.085 (Sports Bribery) — Category III;
165.090 (Sports Bribe Receiving) — Category III;
165.579 (Cellular Counterfeiting in the Second Degree) — Category III;
165.581 (Cellular Counterfeiting in the First Degree) — Category III;
165.692 (Making False Claim for Health Care Payment) — Category I;
165.800 (Identity Theft) — Category I;
165.810 (Unlawful Possession of a Personal Identification Device) — Category I;
165.813 (Unlawful Possession of Fictitious Identification) — Category I;
166.005 (Treason) — Category II;
166.015 (Riot) — Category II;
166.085 (Abuse of Corpse in the Second Degree) — Category II;
166.087 (Abuse of Corpse in the First Degree) — Category II;
166.155 (Intimidation in the Second Degree) — Category III;
166.165 (Intimidation in the First Degree) — Category III;
166.220 (Unlawful Use of Weapon) — Category II;
166.270 (Possession of Weapons by Certain Felons: Felony only) — Category II;
166.275 (Possession of Weapons by Inmates of Institutions) — Category II;
166.370 (Possession of Firearm or Dangerous Weapon in Public Building or Court Facility; Exceptions; Discharging Firearm at School) — Category II;
166.382 (Possession of Destructive Device Prohibited) — Category II;
166.384 (Unlawful Manufacture of Destructive Device) — Category II;
166.429 (Firearms Used in Felony) — Category II;
166.438 (Transfer of Firearms at Gun Shows: Felony Only) — Category II;
166.450 (Obliteration or Change of Identification Number on Firearms) — Category II;
166.642 (Felon in Possession of Body Armor) — Category II;
166.643 (Unlawful Possession of Body Armor) — Category II;
166.649 (Throwing an Object Off an Overpass in the Second Degree) — Category III;
166.651 (Throwing an Object Off an Overpass in the First Degree) — Category III;
166.660 (Unlawful Paramilitary Activity) — Category III;
166.720 (Racketeering Activity Unlawful) — Category II;
167.012 (Promoting Prostitution) — Category III;
167.062 (Sodomasochistic Abuse or Sexual Conduct in Live Show: Felony Only) — Category III;
167.164 (Possession of Gray Machine) — Category I;
167.212 (Tampering with Drug Records) — Category I;
167.262 (Adult Using Minor in Commission of Controlled Substance Offense: Felony Only) — Category III;
167.322 (Aggravated Animal Abuse in the First Degree) — Category III;
167.339 (Assaulting Law Enforcement Animal) — Category III;
305.815 (False Return, Statement or Document) — Category I;
411.630 (Unlawfully Obtaining Public Assistance) — Category I;
411.675 (Submitting Wrongful Claim for Payment) — Category I;
411.840 (Unlawfully Obtaining or Disposing of Supplemental Nutrition Assistance) — Category I;
433.010(1) (Willfully Causing the Spread of Communicable Disease) — Category II;
475.840 (Prohibited Acts Generally: Manufacture or Deliver a Controlled Substance) — Category II;
475.846 (Unlawful Manufacture of Heroin) — Category II;
475.848 (Unlawful Manufacture of Heroin Within 1,000 Feet of School) — Category III;
475.850 (Unlawful Delivery of Heroin) — Category II;
475.852 (Unlawful Delivery of Heroin Within 1,000 Feet of School) — Category III;
475.854 (Unlawful Possession of Heroin) — Category II;
475.856 (Unlawful Manufacture of Marijuana) — Category II;
475.858 (Unlawful Manufacture of Marijuana Within 1,000 Feet of School) — Category III;
475.860 (Unlawful Delivery of Marijuana: Felony only) — Category II;
475.862 (Unlawful Delivery of Marijuana Within 1,000 Feet of School) — Category III;
475.864 (Unlawful Possession of Marijuana: Felony only) — Category II;
475.866 (Unlawful Manufacture of 3,4-Methylenedioxyamphetamine (Ecstasy)) — Category II;
475.868 (Unlawful Manufacture of 3,4-Methylenedioxyamphetamine (Ecstasy) Within 1,000 Feet of School) — Category III;
475.870 (Unlawful Delivery of 3,4-Methylenedioxyamphetamine (Ecstasy)) — Category II;
475.872 (Unlawful Delivery of 3,4-Methylenedioxyamphetamine (Ecstasy) Within 1,000 Feet of School) — Category II;
475.874 (Unlawful Possession of 3,4-Methylenedioxyamphetamine (Ecstasy)) — Category II;
475.876 (Unlawful Manufacture of Cocaine) — Category II;
475.878 (Unlawful Manufacture of Cocaine Within 1,000 Feet of School) — Category III;
475.880 (Unlawful Delivery of Cocaine) — Category II;
475.882 (Unlawful Delivery of Cocaine Within 1,000 Feet of School) — Category III;
475.884 (Unlawful Possession of Cocaine) — Category II;
475.886 (Unlawful Manufacture of Methamphetamine) — Category II;
475.888 (Unlawful Manufacture of Methamphetamine Within 1,000 Feet of School) — Category III;
475.890 (Unlawful Delivery of Methamphetamine) — Category II;
475.892 (Unlawful Delivery of Methamphetamine Within 1,000 Feet of School) — Category III;
475.894 (Unlawful Possession of Methamphetamine) — Category II;
475.904 (Unlawful Manufacture or Delivery of Controlled Substance Within 1,000 Feet of School) — Category III;
475.908 (Causing Another Person to Ingest a Controlled Substance) — Category III;
475.910 (Application of Controlled Substance to the Body of Another Person) — Category III;
475.914 (Prohibited Acts for Registrants: Deliver or Dispense Controlled Substance) — Category II;

475.962 (Distribution of Equipment, Solvent, Reagent or Precursor Substance with Intent to Facilitate Manufacture of Controlled Substances) — Category II;
475.967 (Possession of Precursor Substance With Intent to Manufacture Controlled Substance) — Category II;
475.977 (Possessing or Disposing of Methamphetamine Manufacturing Waste) — Category II;
476.150 (Entry and Inspection of Premises; Interfering or Preventing Entry) — Category II;
476.380 (Burning without a Permit) — Category II;
476.510 to 476.610 (Violations of the Emergency Conflagration Act) — Category II;
532.140 (Branding or Marking Forest Products and Booming Equipment with the Intent to Injure or Defraud) — Category I;
632.470 (False Representation as to Raising, Production or Packing, Class A Misdemeanor) — Category I;
632.475 (Possession of Unlabeled, Falsely Labeled or Deceptively Packed Products, Class A Misdemeanor) — Category I;
659.815 (Deceptive Representations or Advertisements by Persons Employing Labor) — Category I;
688.120 (Fraudulent Representation) — Category I;
689.995(3) (Willfully Furnishing False Information) — Category I;
689.995(4) (Making or Causing to be Made Any False Representations) — Category I;
731.260 (False or Misleading Filings) — Category I;
759.360(2) and (3) (False Statements or False Representation) — Category I;
811.182 (Criminal Driving While Suspended or Revoked) — Category II;
811.540 (Fleeing or Attempting to Elude Police Officer: Felony Only) — Category II;
811.705 (Failure to Perform Duties of a Driver to Person Injured) — Category II;
813.010 (DUI: Felony Only) — Category II.

(A) Any crime that requires the fire service professional or instructor to register as a sex offender.

(B) “Attempt,” “Solicitation,” or “Conspiracy” to commit a crime listed in ORS 137.700 or in any other jurisdiction that, if committed in this state would constitute an attempt, solicitation, or conspiracy to commit a crime listed in 137.700 and identified in OAR 259-009-0070(3).

(C) Conviction of felony or Class A misdemeanor.

(D) “Attempt,” “Solicitation” or “Conspiracy” to commit a crime identified in this rule as a discretionary disqualifier.

(d) If a fire service professional or instructor held certification on or before January 15, 2008 and applies for a new certification, the Department will proceed as follows:

(A) No action will be taken on a discretionary conviction that occurred prior to January 15, 2003.

(B) The Department will not initiate revocation proceedings based on a discretionary disqualifying conviction that occurred between January 15, 2003 and January 15, 2008.

(C) The Department may initiate denial of a new certification based on a discretionary disqualifying conviction that occurred between January 15, 2003 and January 15, 2008.

(e) If a fire service professional or instructor held certification on January 15, 2008 and applies for or obtains certification after that date, the Department may initiate denial or revocation of all certifications held based on a discretionary disqualifying conviction that occurred prior to January 15, 2008.

(f) If a fire service professional or instructor is convicted of a discretionary disqualifying crime on or after January 15, 2008, the Department may initiate a denial or revocation of all certification(s) upon learning of the conviction.

(5) Initial Minimum Periods of Ineligibility.

(a) Upon determination to proceed with the denial or revocation of a fire service professional’s or instructor’s certification based on discretionary disqualifying misconduct identified in section (4), the Fire Policy Committee and Board will determine an initial minimum period of ineligibility to apply for certification. The initial minimum period of ineligibility will range from 30 days to seven years.

(b) In determining the initial minimum period of ineligibility for discretionary disqualifying misconduct listed in section (4) of this rule, the Fire Policy Committee and the Board will take into consideration any aggravating or mitigating factors subject to the provisions of section (6) of this rule.

(c) A person is not eligible to reapply for training or certification if the person had training or certification denied or revoked for mandatory grounds identified in section (3) of this rule.

(d) The initial minimum period of ineligibility will be included in any Final Order of the Department.

(e) Any subsequent eligibility to apply for certification will be determined by the Board, after a review by the Fire Policy Committee, subject to the provisions of section (8) of this rule.

(6) Denial and Revocation Procedure.

(a) Agency Initiated Review: When an agency utilizing a fire service professional or instructor requests that their certification be revoked or denied, the agency must submit the reason for the requested revocation or

ADMINISTRATIVE RULES

denial to the Department, in writing, including all factual information supporting the request.

(b) Department Initiated Review: Upon receipt of factual information from any source, and pursuant to ORS 181.662, the Department may request that the fire service professional's or instructor's certification be revoked or denied.

(c) Department Staff Review: When the Department receives information, from any source, that a fire service professional or instructor may not meet established Oregon fire service standards, the Department will review the request and the supporting factual information to determine if the request for denial or revocation meets statutory and administrative rule requirements.

(A) If the reason for the request does not meet the statutory and administrative rule requirements for denial or revocation the Department will notify the requestor.

(B) If the reason for the request does meet statutory and administrative rule requirements, but is not supported by adequate factual information, the Department will request further information from the employer or conduct its own investigation of the matter.

(C) If the Department determines that a fire service professional or instructor may have engaged in discretionary disqualifying misconduct listed in section (4), the case may be presented to the Board, through the Fire Policy Committee.

(D) The Department will seek input from the affected fire service professional or instructor, allowing him or her to provide, in writing, information for the Fire Policy Committee and Board's review.

(E) In misconduct cases where there has been an arbitrator's opinion related to the fire service professional's or instructor's employment, the Department will proceed as follows:

(i) If the arbitrator's opinion finds that underlying facts supported the allegations of misconduct, the Department will proceed as identified in paragraphs (A) through (D) of this subsection.

(ii) If the arbitrator has ordered employment reinstatement after a discharge for cause without a finding related to whether the misconduct occurred, the Department will proceed as identified in paragraphs (A) through (D) of this subsection.

(iii) If the arbitrator's opinion finds that underlying facts did not support the allegation(s) of misconduct, the Department will proceed as identified in paragraph (A) of this subsection and administratively close the matter.

(d) Policy Committee and Board Review. In making a decision to authorize initiation of proceedings under subsection (f) of this rule, based on discretionary disqualifying misconduct, the Fire Policy Committee and Board will consider mitigating and aggravating circumstances including, but not limited to the following:

(A) When the misconduct occurred in relation to the fire service professional's or instructor's service as a fire service professional or instructor (i.e., before, during, after);

(B) Whether the fire service professional or instructor served time in prison or jail and the length of incarceration;

(C) Whether restitution was ordered and if the fire service professional or instructor met all obligations;

(D) Whether the fire service professional or instructor has ever been on parole or probation. If so, the date the parole or probation period expired or will expire;

(E) Whether the fire service professional or instructor has more than one conviction and over what period of time;

(F) Whether the misconduct involved domestic violence;

(G) Whether the fire service professional or instructor self-reported the misconduct;

(H) Whether the conduct involved dishonesty, fraud, deceit, or misrepresentation;

(I) Whether the conduct was prejudicial to the administration of justice;

(J) Whether the conduct adversely reflects on the fitness of the fire service professional or instructor to perform as a fire service professional or instructor;

(K) Whether the conduct makes the fire service professional or instructor otherwise unfit to render effective service because of the agency's or public's loss of confidence that the fire service professional or instructor possesses the core values integral to the fire service profession; and

(L) What the fire service professional's or instructor's physical or emotional condition was at the time of the conduct.

(e) Scope of Revocation. Except as provided in (4) above, when the Department denies or revokes the certification of any fire service professional or instructor under the provisions of OAR 259-009-0070, the revocation will encompass all fire service certificates the Department has issued to that person.

(f) Initiation of Proceedings: Upon determination by the policy committee that the reason for denial or revocation is supported by factual data meeting the statutory and administrative rule requirements, a contested case notice will be prepared and served on the fire service professional or instructor.

(g) Contested Case Notice:

(A) All contested case notices will be prepared in accordance with the applicable provisions of the Attorney General's Model Rules of Procedures adopted under OAR 259-005-0015.

(B) In discretionary cases heard by a policy committee, the contested case notice will be served on the fire service professional or instructor prior to Board review. If the Board disapproves the policy committee's recommendation, the Department will withdraw the Contested Case Notice.

(h) Response Time:

(A) A party who has been served with a "Contested Case Notice of Intent to Deny Certification" has 60 days from the date of mailing or personal service of the notice in which to file a written request for a hearing with the Department.

(B) A party who has been served with a "Contested Case Notice of Intent to Revoke Certification" has 20 days from the date of mailing or personal service of the notice in which to file a written request for a hearing with the Department.

(i) Default Orders:

(A) If a timely request for a hearing is not received, the Contested Case Notice will become a final order revoking or denying certification pursuant to OAR 137-003-0672.

(B) If a timely request for a hearing is not received in cases heard by a policy committee, the Contested Case Notice will become a final order denying or revoking certification pursuant to OAR 137-003-0672, pending Board affirmation.

(j) Hearing Request: If a timely request for a hearing is received, the Department will refer the matter to the Office of Administrative Hearings in accordance with OAR 137-003-0515.

(k) Proposed and Final Orders:

(A) In cases where a hearing is requested, proposed orders, exceptions, and final orders will be issued pursuant to the applicable provision of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.

(B) Department-proposed amendments to a proposed order issued by an Administrative Law Judge 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 can be issued.

(l) Stipulated Order Revoking Certification: The Department may enter a stipulated order revoking the certification of a fire service professional or instructor upon the person's voluntary agreement to terminate an administrative proceeding to revoke a certification, or to relinquish a certification under the terms and conditions outlined in the stipulated order.

(7) Appeal Procedure. A fire service professional or instructor, aggrieved by the findings and Order of the Department may, as provided in ORS 183.480, file an appeal with the Court of Appeals from the final Order of the Department.

(8) Reapplication Process and Eligibility Determinations.

(a) Any fire service professional or instructor whose certification has been denied or revoked under section (4) of this rule for discretionary disqualifying misconduct may reapply for certification within the applicable timeframes described in section (5) of this rule.

(b) Any fire service professional or instructor whose certification has been denied or revoked based on discretionary disqualifying misconduct may not reapply for certification until:

(A) The initial minimum period of ineligibility stated in an Order of the Department denying or revoking certification has been satisfied;

(i) If the initial period of ineligibility for the individual was for a period of less than the maximum period identified in section (5) of this rule, and the Board determines that an individual must remain ineligible to apply for certification, then the individual may not reapply for certification under the provisions of this rule until the maximum initial period of ineligibility identified in (5) of this rule has been satisfied.

(ii) If the individual has satisfied the maximum initial period of ineligibility and the Board determines that an individual must remain ineligible to apply for certification, then the individual may not submit any further

ADMINISTRATIVE RULES

requests for an eligibility determination, and the original denial or revocation remains permanent.

(B) A written request for an eligibility determination has been submitted to the Department and the Fire Policy Committee has recommended that a fire service professional's or instructor's eligibility to apply for fire service or instructor certification be restored and the Board has upheld the recommendation;

(i) A request for an eligibility determination should include documentation or information that supports the fire service professional's or instructor's request for eligibility to apply for certification.

(ii) In considering a request for an eligibility determination, the Fire Policy Committee and the Board may consider mitigating and aggravating circumstances identified in section (6)(d) of this rule.

(iii) After reviewing a written request for an eligibility determination, the Board, through the Fire Policy Committee, may determine that the individual's eligibility to apply for certification be restored if the criteria for certification have been met; or determine that the factors that originally resulted in denial or revocation have not been satisfactorily mitigated and the individual must remain ineligible to apply for certification.

(C) The fire service professional or instructor is employed or utilized by a fire service agency; and

(D) All requirements for certification have been met.

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

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

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

Hist.: BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 3-2008, f. & cert. ef. 1-15-08; DPSST 7-2009, f. & cert. ef. 7-13-09; DPSST 7-2010, f. 7-15-10, cert. ef. 8-1-10; DPSST 1-2011, f. 2-24-11, cert. ef. 4-1-11; DPSST 11-2011, f. & cert. ef. 7-1-11; DPSST 19-2012, f. & cert. ef. 8-31-12; DPSST 7-2013, f. & cert. ef. 3-26-13; DPSST 22-2013, f. & cert. ef. 10-3-13; DPSST 4-2014, f. & cert. ef. 1-28-14; DPSST 20-2014, f. & cert. ef. 7-30-14

259-060-0300

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.

(2) Mandatory Grounds for Denying, Suspending or Revoking Private Security Certification or Licensure. The Department must deny or revoke a certification or license of any applicant or private security provider after written notice and hearing, if requested, upon a finding that the applicant or private security provider:

(a) 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;

(b) Is required to register as a sex offender under ORS 181.595, 181.596, 181.597 or 181.609; or

(c) Has, within a period of ten years prior to application or during certification or licensure, been convicted of the following:

(A) Any felony other than those described in subsection (a) above or any crime with similar elements in any other jurisdiction;

(B) A person class A misdemeanor 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;

(C) Any crime involving any act of domestic violence as defined in ORS 135.230 or any crime with similar elements in any other jurisdiction;

(D) Any misdemeanor or felony conviction involving the unlawful use, possession, delivery or manufacture of a controlled substance, narcotic, or dangerous drug in this or any other jurisdiction;

(E) Any misdemeanor arising from conduct while on duty as a private security provider; or

(F) Any of the following misdemeanors:

161.405(2)(d) (Attempt to Commit a Class C Felony or Unclassified Felony);

161.435(2)(d) (Solicitation of a Class C Felony);

161.450(2)(d) (Conspiracy to Commit a Class A misdemeanor);

162.075 (False Swearing);

162.085 (Unsworn Falsification);

162.145 (Escape III);

162.235 (Obstructing Governmental or Judicial Administration);

162.247 (Interfering with a Peace Officer);

162.295 (Tampering with Physical Evidence);

162.335 (Compounding a Felony);

162.365 (Criminal Impersonation);

162.369 (Possession of a False Law Enforcement Identification Card);

162.375 (Initiating a False Report);

162.385 (Giving False Information to Police Officer for a Citation or Arrest on a Warrant);

162.415 (Official Misconduct I);

163.435 (Contributing to the Sexual Delinquency of a Minor);

164.043 (Theft III);

164.045 (Theft II);

164.125 (Theft of Services);

164.140 (Criminal Possession of Rented or Leased Personal Property);

164.235 (Possession of Burglar's Tools);

164.255 (Criminal Trespass I);

164.265 (Criminal Trespass while in Possession of a Firearm);

164.335 (Reckless Burning);

164.354 (Criminal Mischief II);

164.369 (Interfering with Police Animal);

164.377(4) (Computer Crime);

165.007 (Forgery II);

165.055(4)(a) (Fraudulent Use of a Credit Card);

165.065 (Negotiating a Bad Check);

165.570 (Improper Use of Emergency Reporting System);

166.116 (Interfering with Public Transportation);

166.240 (Carrying of Concealed Weapons);

166.250 (Unlawful Possession of Firearms);

166.350 (Unlawful Possession of Armor Piercing Ammunition);

166.425 (Unlawful Purchase of Firearm);

167.007 (Prostitution);

167.062 (Sadomasochistic Abuse or Sexual Conduct in a Live Show);

167.075 (Exhibiting an Obscene Performance to a Minor);

167.080 (Displaying Obscene Material to Minors);

167.262 (Adult Using Minor in Commission of Controlled Substance Offense);

167.320 (Animal Abuse I);

167.330 (Animal Neglect I);

471.410 (Providing Liquor to a Person Under 21 or Intoxicated Person);

807.620 (Giving False Information to a Police Officer/Traffic);

811.540(3)(b) (Fleeing or Attempting to Elude Police Officer);

(G) 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 security provider's certification or 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 or certificate.

(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 certification or licensure will be rescinded, otherwise the suspension will remain in effect until final disposition of the charges.

(4) Discretionary Grounds for Denying, Suspending or Revoking Private Security Certification or Licensure. The Department may deny or revoke the certification or licensure of any applicant or private security provider after written notice and hearing, if requested, upon finding that an applicant or private security provider:

(a) Fails to meet the minimum standards for certification or licensure as a private security provider as defined in OAR 259-060-0020;

(b) Has falsified any information submitted on the application for certification or licensure or any documents submitted to the Department pertaining to private security certification or licensure;

(c) Has violated any of the temporary assignment provisions of OAR 259-060-0120(1);

(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 the Act or these rules; or

(g) 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) Dishonesty. Lack of honesty includes, but is not limited to, untruthfulness, dishonesty by admission or omission, deception, misrepresentation or falsification;

(B) Lack of Good Character. Lack of good character includes, but is not limited to, failure to be faithful and loyal to the employer's charge and failure to use discretion and compassion;

(C) Mistreatment of Others. Mistreatment of others includes, but is not limited to, violating another person's rights and failure to respect others;

(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 recognized 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 a pattern of behavior

ADMINISTRATIVE RULES

which leads to three or more arrests or convictions within a ten-year period prior to application or during certification or licensure.

(5) Scope of Revocation. Whenever the Department revokes the certification or licensure of a private security provider under the provisions of this rule, the revocation will encompass all private security certificates and licenses the Department has issued to that person.

(6) Denial and Revocation Procedure.

(a) Employer Request: When the employer of the private security provider requests that certification or licensure be denied or revoked, the employer must submit in writing to the Department the reason for the requested action and include all factual information supporting the request.

(b) Department Initiated Request: Upon receipt of factual written information from any source other than an employer, and pursuant to ORS 181.878, the Department may request that the Board deny, revoke or suspend the private security provider's certification or licensure.

(c) Department Staff Review: When the Department receives information from any source that a private security provider may not meet the established standards for Oregon private security providers, the Department will review the request and the supporting factual information to determine if a sufficient factual basis exists to support the request for denial, suspension, or revocation of a private security license or certification under the Act or these administrative rules.

(A) If the Department determines that a private security provider may have engaged in discretionary disqualifying misconduct;

(i) The Department will seek input from the affected private security provider 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 Department staff believes that a private security provider may have engaged in discretionary disqualifying misconduct, Department staff will review the conduct, including aggravating and mitigating circumstances. If Department staff 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 Policy Committee.

(d) In making a decision to authorize initiation of proceedings under subsection (e) of this rule based on discretionary disqualifying misconduct, Department staff, the Policy Committee and Board will consider mitigating and aggravating circumstances.

(e) Initiation of Proceedings: Upon determination that a sufficient factual basis exists to support the request for denial, suspension, or revocation of a private security license or certification under the Act or these administrative rules, the Department will prepare and serve a contested case notice on the private security provider.

(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 security provider 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.

(f) 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 Certification or Licensure has 60 days from the date of mailing or personal service of the notice in which to file a written request for 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 Certification or Licensure has 20 days from the date of the mailing or personal service of the notice in which to file a written request for hearing with the Department.

(g) Default Orders:

(A) If a timely request for a hearing is not received, the Contested Case Notice will become a final order denying or revoking certification pursuant to OAR 137-003-0672.

(B) If a timely request for a hearing is not received in cases heard by a policy committee, the Contested Case Notice will become a final order

denying or revoking certification pursuant to OAR 137-003-0672, pending Board affirmation.

(h) 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 security provider 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.

(i) Stipulated Order Revoking Certification or Licensure: The Department may enter a stipulated order revoking certification or licensure of a private security provider upon the person's voluntary agreement to terminate an administrative proceeding to revoke a certification or license, or to surrender a certification or license, under the terms and conditions provided in the stipulated order.

(7) Appeal Procedure. Private security applicants and providers 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) Notwithstanding section (9) of this rule, any private security applicant or provider whose certification or licensure is denied or revoked will be ineligible to hold any private security certification or licensure for a period of ten years from the date of the final order issued by the Department.

(9) Reconsideration Process. Any individual whose certification or license has been denied or revoked for discretionary grounds may apply for reconsideration of the denial or revocation after a minimum four-year ineligibility period from the date of the final order.

(a) All applicants for reconsideration are required to submit a new application packet along with a Form PS- 30 Application for Reconsideration. The applicant may provide any mitigating information for the consideration of DPSST, Policy Committee, and Board.

(b) In reconsidering the application of an applicant whose certification or licensure was previously denied or revoked for discretionary grounds, DPSST, the Policy Committee and the Board may consider mitigating and aggravating circumstances.

(c) 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.

(d) If an application for reconsideration is denied, the original ineligibility date remains in effect as described in subsection (8) of this rule.

Stat. Auth.: ORS 181.878, 181.882 & 181.885

Stats. Implemented: ORS 181.878 & 181.885

Hist.: PS 9-1997, f. & cert. ef. 8-20-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 3-1999(Temp), f. & cert. ef. 3-9-99 thru 9-5-99; BPSST 4-1999, f. 4-29-99, cert. ef. 9-5-99; BPSST 3-2000, f. & cert. ef. 8-10-00; BPSST 8-2001(Temp), f. & cert. ef. 8-22-01 thru 2-18-02; BPSST 18-2001(Temp), f. & cert. ef. 11-28-01 thru 2-18-02; BPSST 4-2002(Temp), f. & cert. ef. 2-25-02 thru 7-1-02; BPSST 13-2002, f. & cert. ef. 4-30-02; DPSST 4-2003, f. & cert. ef. 1-22-03; DPSST 10-2003(Temp), f. & cert. ef. 6-16-03 thru 12-1-03; DPSST 12-2003, f. & cert. ef. 7-24-03; DPSST 6-2004, f. & cert. ef. 4-23-04; DPSST 5-2005(Temp), f. & cert. ef. 8-3-05 thru 1-1-06; DPSST 10-2005, f. & cert. ef. 10-14-05; DPSST 6-2006, f. & cert. ef. 5-15-06; DPSST 25-2012, f. 10-26-12, cert. ef. 11-1-12; DPSST 12-2013, f. & cert. ef. 6-24-13; DPSST 3-2014, f. & cert. ef. 1-2-14; DPSST 4-2014, f. & cert. ef. 1-28-14; DPSST 8-2014(Temp), f. & cert. ef. 3-6-14 thru 8-1-14; DPSST 15-2014, f. & cert. ef. 6-24-14; DPSST 20-2014, f. & cert. ef. 7-30-14

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.

(2) Mandatory Grounds for Denying, Suspending or Revoking Private Investigator Licensure. 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.

ADMINISTRATIVE RULES

(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.

(4) Discretionary Grounds for Denying, Suspending or Revoking Private Investigator Licensure. 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.

(5) Procedure for Denial or Revocation of Licensure. 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 Department staff believes that a private investigator may have engaged in discretionary disqualifying misconduct, Department staff will review the conduct, including aggravating and mitigating circumstances. If Department staff 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.

(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 Orders:

(A) 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.

(B) If a timely request for a hearing is not received in cases heard by a policy committee, the Contested Case Notice will become a final order denying or revoking certification pursuant to OAR 137-003-0672, pending Board affirmation.

(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.

(7) Appeals, Ineligibility Period and Reconsideration. 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.

ADMINISTRATIVE RULES

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; DPSST 20-2014, f. & cert. ef. 7-30-14

Rule Caption: Clarify the denial revocation process regarding the consideration of aggravating and mitigating circumstances.

Adm. Order No.: DPSST 21-2014(Temp)

Filed with Sec. of State: 7-31-2014

Certified to be Effective: 7-31-14 thru 1-27-15

Notice Publication Date:

Rules Amended: 259-008-0070, 259-009-0070

Subject: DPSST recently learned that the rule language in 259-008-0070 and 259-009-0070 relating to the denial and revocation of criminal justice and fire certifications may not accurately reflect current processes. Specifically, DPSST's rules, as written, indicate that the Policy Committee and Board members will, at a minimum, consider specific circumstances when discussing aggravating and mitigating circumstances in each professional standards case. While the committees do consider aggravation and mitigation, current process does not require that they consider each of the circumstances individually that are currently listed in rule, which has the potential to create consternation during the contested case process.

To remedy this discrepancy, DPSST is filing a temporary rule revising the rule language to state that the Committee and Board members may consider the categories listed in rule as aggravating or mitigating. The temporary rule will help avoid any further confusion for Board members, Policy Committee members, the Department, and the Department's constituents while the permanent rule making process begins.

Rules Coordinator: Sharon Huck—(503) 378-2432

259-008-0070

Denial/Revocation

(1) It is the responsibility of the Board to set the standards, and of the Department to uphold them, to ensure the highest levels of professionalism and discipline. These standards shall be upheld at all times unless the Board determines that neither the safety of the public nor respect of the profession is compromised.

(2) Definitions. For purposes of this rule, the following definitions apply:

(a) "Denial" or "Deny" means the refusal to grant a certification for mandatory grounds or discretionary disqualifying misconduct as identified in this rule, pursuant to the procedures identified in (9) of this rule.

(b) "Discretionary Disqualifying Misconduct" means misconduct identified in OAR 259-008-0070(4).

(c) "Revocation" or "Revoke" means to withdraw the certification of a public safety professional for mandatory grounds or discretionary disqualifying misconduct as identified in this rule, pursuant to the procedures identified in section (9) of this rule.

(3) Mandatory Grounds for Denying or Revoking Certification of a Public Safety Professional:

(a) Standards and Certification must deny or revoke the certification of any public safety professional after written notice and hearing, based upon a finding that:

(A) The public safety professional has been discharged for cause from employment as a public safety professional. For purposes of this rule, "discharged for cause," means an employer-initiated termination of employment for any of the following reasons after a final determination has been made. If, after service by Standards and Certification of a Notice of Intent to Deny or Revoke Certifications (NOI), the public safety professional provides notice to Standards and Certification within the time stated in the NOI that the discharge has not become final, then Standards and Certification may stay further action, pending a final determination.

(i) Dishonesty: Includes untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification;

(ii) Disregard for the Rights of Others: Includes violating the constitutional or civil rights of others, conduct demonstrating a disregard for the principles of fairness, respect for the rights of others, protecting vulnerable persons, and the fundamental duty to protect and serve the public.

(iii) Gross Misconduct: means an act or failure to act that creates a danger or risk to persons, property, or to the efficient operation of the agency, recognizable as a gross deviation from the standard of care that a

reasonable public safety professional would observe in a similar circumstance;

(iv) Incompetence: means a demonstrated lack of ability to perform the essential tasks of a public safety professional that remedial measures have been unable to correct; or

(v) Misuse of Authority: Includes abuse of public trust, abuse of authority to obtain a benefit, avoid a detriment, or harm another, and abuse under the color of office.

(B) The public safety professional has been convicted in this state or any other jurisdiction of a crime designated under the law where the conviction occurred as being punishable as a felony or as a crime for which a maximum term of imprisonment of more than one year may be imposed;

(C) The public safety professional has been convicted of violating any law of this state or any other jurisdiction involving the unlawful use, possession, delivery or manufacture of a controlled substance, narcotic or dangerous drug, except the Department may deny certification for a conviction of possession of less than one ounce of marijuana, which occurred prior to certification; or

(D) The public safety professional has been convicted in this state of any of the following offenses, or of their statutory counterpart(s) in any other jurisdiction, designated under the law where the conviction occurred as being punishable as a crime:

25.785(3) (False Submission of a Statement Regarding Social Security Number);

106.041(5) (Intentional False Statement on Marriage License; Application);

162.075 (False swearing);

162.085 (Unsworn falsification);

162.145 (Escape in the third degree);

162.175 (Unauthorized departure);

162.195 (Failure to appear in the second degree);

162.235 (Obstructing governmental or judicial administration);

162.247 (Interfering with a peace officer);

162.257 (Interfering with a firefighter or emergency medical technician);

162.295 (Tampering with physical evidence);

162.305 (Tampering with public records);

162.315 (Resisting arrest);

162.335 (Compounding);

162.365 (Criminal impersonation);

162.369 (Possession of false law enforcement identification);

162.375 (Initiating a false report);

162.385 (Giving false information to a peace officer for a citation or arrest warrant);

162.415 (Official misconduct in the first degree);

163.200 (Criminal mistreatment in the second degree);

163.454 (Custodial sexual misconduct in the second degree);

163.687 (Encouraging child sexual abuse in the third degree);

163.732 (Stalking);

164.045 (Theft in the second degree);

164.085 (Theft by deception);

164.095 (Theft by receiving);

164.125 (Theft of services);

164.235 (Possession of a burglary tool or theft device);

164.877 (Unlawful tree spiking; unlawful possession of substance that can damage certain wood processing equipment);

165.007 (Forgery in the second degree);

165.017 (Criminal possession of a forged instrument in the second degree);

165.037 (Criminal simulation);

165.042 (Fraudulently obtaining a signature);

165.047 (Unlawfully using slugs);

165.055 (Fraudulent use of a credit card);

165.065 (Negotiating a bad check);

165.080 (Falsifying business records);

165.095 (Misapplication of entrusted property);

165.100 (Issuing a false financial statement);

165.102 (Obtain execution of documents by deception);

165.118(1) (Unlawfully Altering Metal Property);

165.118(2)(a)(b) (False Statement on a Metal Property Record);

165.825 (Sale of drugged horse);

166.065(1)(b) (Harassment);

166.155 (Intimidation in the second degree);

166.270 (Possession of weapons by certain felons);

166.350 (Unlawful possession of armor-piercing ammunition);

166.416 (Providing false information in connection with a transfer of a firearm);

166.418 (Improperly transferring a firearm);

166.470 (Limitations and conditions for sales of firearms);

167.007 (Prostitution);

167.075 (Exhibiting an obscene performance to a minor);

167.080 (Displaying obscene materials to minors);

167.132 (Possession of gambling records in the second degree);

167.147 (Possession of a gambling device);

167.222 (Frequenting a place where controlled substances are used);

167.262 (Adult using minor in commission of controlled substance offense);

167.320 (Animal abuse in the first degree);

167.330 (Animal neglect in the first degree);

167.332 (Prohibition against possession of domestic animal);

167.333 (Sexual assault of animal);

167.337 (Interfering with law enforcement animal);

167.355 (Involvement in animal fighting);

167.370 (Participation in dogfighting);

167.431 (Participation in cockfighting);

167.820 (Concealing the birth of an infant);

305.815 (False Swearing of Return, Statement or Other Tax Document);

307.990 (Willful False Statement to Property Tax Assessment Officer);

ADMINISTRATIVE RULES

398.224 (Refusal to Appear to Testify);
462.415(2) (Racing a Prohibited Animal);
462.420 (Stimulating or Depressing Participating Animal);
462.430 (Influencing the Results of Races);
462.450 (Possession, Transportation or Use of Drugs at Race Course);
462.460 (Racing an Animal Under Name or Designation Other than Registered Name or Designation or Altering License);
462.470 (Aiding or Abetting Racing Animal Under Name or Designation Other than Registered Name or Designation);
475.525 (Sale of drug paraphernalia);
475.840 (Manufacture or deliver a controlled substance);
475.860 (Unlawful delivery of marijuana);
475.864 (Unlawful possession of marijuana);
475.906 (Distribution of controlled substance to minors);
475.910 (Application of controlled substance to the body of another person);
475.912 (Unlawful delivery of imitation controlled substance);
475.914 (Unlawful acts, registrant delivering or dispensing controlled substance);
475.916 (Prohibited acts involving records and fraud);
475.918 (Falsifying drug test results);
475.920 (Providing drug test falsification equipment);
475.950 (Failure to report precursor substances transaction);
475.955 (Failure to report missing precursor substances);
475.960 (Illegally selling drug equipment);
475.965 (Providing false information on precursor substances report or record);
475.969 (Unlawful possession of phosphorus);
475.971 (Unlawful possession of anhydrous ammonia);
475.973 (Unlawful possession of ephedrine, pseudoephedrine or phenylpropranolamine; unlawful distribution);
475.975 (Unlawful possession of iodine in its elemental form);
475.976 (Unlawful possession of iodine matrix);
657.300 (False Statements or Failure to Report Material Fact by Employer);
657.495 (Fraudulently Lowering Contributions);
658.415 (False Swearing or Affirmation of Application of License, Proof of Insurance and Financial Responsibilities of Farm Labor Contractors);
659.810 (Filing a False Statement with Employment Agency to Secure Labor);
679.170(3) (Fraudulent Alteration of Diploma, Certificate or Transcript);
679.170(5) (Willful False Statement to Oregon Board of Dentistry);
689.995 (Willfully Furnishing False Information; Pharmacists, Drug Outlets, Drug Sales);
807.520 (False swearing to receive license);
807.620 (Giving false information to police officer);

(E) Any offense involving any acts of domestic violence as defined in ORS 135.230.

(b) Standards and Certification must take action on a mandatory disqualifying conviction, regardless of when it occurred, unless Standards and Certification, or the Board, has previously reviewed the conviction and approved the public safety professional for certification under a prior set of standards.

(4) Discretionary disqualifying misconduct as Grounds for Denying or Revoking Certification(s) of a Public Safety Professional:

(a) Standards and Certification may deny or revoke the certification of any public safety professional after written notice, and a hearing, if requested, based upon a finding that:

(A) The public safety professional falsified any information submitted on the application for certification or on any documents submitted to the Board or Department;

(B) The public safety professional has engaged in conduct that fails to meet the applicable minimum standards as described in subsection (b), minimum training or the terms and conditions established under ORS 181.640;

(C) The public safety professional has engaged in conduct that resulted in the conviction of an offense, punishable as a crime, other than a mandatory disqualifying crime listed in section (3) of this rule, in this state or any other jurisdiction. Presumptive categories have been identified for the crimes listed in subsection (4), based solely on the elements of the crime. Other categories may apply based on the conduct leading to the conviction; or

(D) A public safety officer failed to attend at least one session with a mental health professional within six months after the public safety officer was involved in using deadly physical force, as required by ORS 181.789.

(b) For purposes of this rule, discretionary disqualifying misconduct includes misconduct falling within the following categories:

(A) Category I: Dishonesty: Includes untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification;

(B) Category II: Disregard for the Rights of Others: Includes violating the constitutional or civil rights of others, and conduct demonstrating a disregard for the principles of fairness, respect for the rights of others, protecting vulnerable persons, and the fundamental duty to protect or serve the public;

(C) Category III: Misuse of Authority: Includes abuse of public trust, obtaining a benefit, avoidance of detriment, or harming another, and abuses under the color of office;

(D) Category IV: Gross Misconduct: Means an act or failure to act that creates a danger or risk to persons, property, or to the efficient operation of the agency, recognizable as a gross deviation from the standard of

care that a reasonable public safety professional would observe in a similar circumstance;

(E) Category V: Misconduct: Misconduct includes conduct that violates the law, practices or standards generally followed in the Oregon public safety profession. By definition, all criminal convictions meet the definition of Misconduct within this category.

NOTE: It is the intent of this rule that "Contempt of Court" meets the definition of Misconduct within this category; or

(F) Category VI: Insubordination: Includes a refusal by a public safety professional to comply with a rule or order, where the order was reasonably related to the orderly, efficient, or safe operation of the agency, and where the public safety professional's refusal to comply with the rule or order constitutes a substantial breach of that person's duties.

(c) For discretionary disqualifying misconduct, the applicable category will be determined based on the facts of each case. Discretionary disqualifying misconduct under (a)(C) includes, but is not limited to, the following list, which identifies the applicable category for each listed discretionary offense, based on the elements of the crime.

NOTE: Those criminal convictions not listed below are presumptively considered Misconduct (Category V):

25.260 (Unlawful Disclosure of Confidential Records of Child Support Division) — Category II;
162.405 (Official Misconduct in the Second Degree) — Category III;
162.425 (Misuse of Confidential Information) — Category III;
162.465 (Unlawful Legislative Lobbying) — Category I;
163.160 (Assault in the Fourth Degree) — Category II;
163.187 (Strangulation) — Category II;
163.190 (Menacing) — Category II;
163.195 (Recklessly Endangering Another Person) — Category IV;
163.212 (Unlawful Use of Stun Gun, Tear Gas or Mace in the Second Degree) — Category IV;
163.415 (Sexual Abuse in the Third Degree) — Category II;
163.435 (Contributing to the Sexual Delinquency of a Minor) — Category II;
163.445 (Sexual Misconduct) — Category II;
163.465 (Public Indecency) — Category II;
163.467 (Private Indecency) — Category II;
163.545 (Child Neglect in the Second Degree) — Category IV;
163.693 (Failure to Report Child Pornography) — Category IV;
163.575 (Endangering the Welfare of a Minor) — Category III;
163.700 (Invasion of Personal Privacy) — Category II;
163.709 (Unlawful Directing of Light from a Laser Pointer) — Category IV;
164.162 (Mail Theft or Receipt of Stolen Mail) — Category I;
164.265 (Criminal Trespass While in Possession of a Firearm) — Category IV;
164.272 (Unlawful Entry into a Motor Vehicle) — Category IV;
164.335 (Reckless Burning) — Category IV;
164.785 (Placing Offensive Substances in waters/on highways or property) — Category IV;
164.845 (FTA on Summons for ORS 164.813 or 164.825) — Category IV;
164.887 (Interference with Agricultural Operations) — Category II;
165.540 (Obtaining Contents of Communications) — Category IV;
165.570 (Improper Use of Emergency Reporting System) — Category IV;
165.572 (Interference with Making a Report) — Category II;
165.577 (Cellular Counterfeiting in the Third Degree) — Category I;
165.805 (Misrepresentation of Age by a Minor) — Category I;
166.025 (Disorderly Conduct in the Second Degree) — Category IV;
166.027 (Disorderly Conduct in the First Degree) — Category IV;
166.075 (Abuse of Venerated Objects) — Category II;
166.076 (Abuse of a Memorial to the Dead) — Category II;
166.090 (Telephonic Harassment) — Category II;
166.095 (Misconduct with Emergency Telephone Calls) — Category IV;
166.155 (Intimidation in the Second Degree) — Category II;
166.180 (Negligently Wounding Another) — Category IV;
166.190 (Pointing a Firearm at Another) — Category IV;
166.240 (Carrying a Concealed Weapon) — Category IV;
166.250 (Unlawful Possession of a Firearm) — Category IV;
166.320 (Setting of a Springgun or Setgun) — Category IV;
166.385 (Possession of Hoax Destructive Device) — Category IV;
166.425 (Unlawful Purchase of Firearm) — Category I;
166.427 (Register of Transfers of Used Firearms) — Category IV;
166.480 (Sale or Gift of Explosives to Children) — Category IV;
166.635 (Discharging Weapon or Throwing Object at Trains) — Category IV;
166.638 (Discharging Weapon Across Airport Operational Surfaces) — Category IV;
166.649 (Throwing Object off Overpass in the Second Degree) — Category IV;
167.312 (Research and Animal Interference) — Category II;
167.315 (Animal Abuse in the Second Degree) — Category IV;
167.325 (Animal Neglect in the Second Degree) — Category IV;
167.340 (Animal Abandonment) — Category IV;
167.352 (Interfering with Assistance, Search and Rescue or Therapy Animal) — Category IV;
167.385 (Unauthorized Use of Livestock Animal) — Category II;
167.388 (Interference with Livestock Production) — Category II;
167.808 (Unlawful Possession of Inhalants) — Category IV;
167.810 (Creating a Hazard) — Category IV;
167.822 (Improper Repair Vehicle Inflatable Restraint System) — Category IV;
241.525 (Corrupt Practices) - Category III;
Chapter 319 (Any Violation Involving a False Statement — Motor Vehicle and Aircraft Fuel Tax) — Category I;
411.320 (Disclosure and Use of Public Assistance Records) — Category II;
468.956 (Refusal to Produce Material Subpoenaed by the Commission) — Category IV;
471.410 (Providing Liquor to Person under 21 or to Intoxicated Person) — Category IV;
609.805 (Misrepresentation of Pedigree; Mutilation of Certificate or Proof of

ADMINISTRATIVE RULES

Pedigree) — Category I;
609.990(3)(a) (Violation of ORS 609.098 — Maintaining a Dangerous Dog) — Category IV;
632.470 (False Representation as to Raising, Production or Packaging) — Category I;
632.475 (Possession of Unlabeled, Falsely Labeled or Deceptively Packed Products) — Category I;
657.295 (Violation of Unemployment Insurance Witness Fees, Disputed Claims Expenses and Counsel Fees) — Category I;
659.800 (Use of Force or Misrepresentation to Prevent Employment) — Category I;
659.805 (Blacklisting and Blackmailing) — Category II;
659.815 (Deceptive Representations or Advertisements by Persons Employing Labor) — Category I;
659.845 (Fraudulently Accepting Advancement and Refusing to Work) — Category I;
661.040 (Violation of Limitations of Fees Charged laborers by Collective Bargaining Agents) — Category I;
661.260 (False Filing or Fraudulent Filing) — Category I;
688.120 (Fraudulent Representation as a Physical Therapist or Physical Therapist Assistant) — Category I;
731.260 (False or Misleading Filings; Insurance Code) — Category I;
803.225 (Failure to Designate Replica Vehicle in Title or Registration Application) — Category I;
807.430 (Misuse of Identification Card) — Category I;
807.510 (Transfer of documents for the purpose of misrepresentation) — Category I;
807.530 (False Application for License) — Category I;
807.580 (Using Invalid License) — Category I;
807.590 (Permitting Misuse of License) — Category I;
807.600 (Using Another's License) — Category I;
811.060 (Vehicular Assault of Bicyclist or Pedestrian) — Category IV;
811.140 (Reckless Driving) — Category IV;
811.182 (Criminal Driving While Suspended or Revoked) — Category IV;
811.231 (Reckless Endangerment of Highway Workers) — Category IV;
811.540 (Fleeing or Attempt to Elude a Police Officer) — Category IV;
811.700 (Failure to Perform Duties of Driver when Property is Damaged) — Category IV;
811.740 (False Accident Report) — Category I;
813.010 (Driving Under the Influence of Intoxicants) — Category IV;
825.990(3)(d) (False Material Statement or Representation in any Application, Label, Manifest, Record, Report, Permit or Other Document Filed, Maintained or Used for Purposes of Compliance) — Category I;
825.990(3)(e) (Failure to Include Material Information Required by Department of Transportation) — Category I;
830.035(2) (Fleeing; Attempts to Elude) — Category IV;
830.053 (False or Fraudulent Report of Theft of Boat) — Category I;
830.315(1) (Reckless Operation) — Category IV;
830.325 (Operate a Boat while Under the Influence of Intoxicating Liquor or Controlled Substance) — Category IV;
830.475(1) (Failure to Perform the Duties of an Operator at Accident) — Category IV;
830.730 (False Information) — Category I;
830.994 (Operate a Boat in Violation of a Court Order) — Category IV;
837.080 (Prohibited Operation of an Aircraft) — Category IV.

(d) Initial Periods of Ineligibility. Upon determination to proceed with the denial or revocation of a public safety professional's certification based on discretionary disqualifying misconduct identified in subsection (a), an initial minimum period of ineligibility to apply for certification will be determined based upon the category of misconduct (i.e., Dishonesty, Disregard for Rights of Others, Misuse of Authority, Gross Misconduct, Misconduct or Insubordination).

(e) Following review and recommendation by a Policy Committee, the Board will determine the initial minimum period of ineligibility for discretionary disqualifying misconduct identified in subsection (a) from the time frame identified below for each category of discretionary disqualifying misconduct:

- (A) Category I: Dishonesty (5 years to Lifetime).
- (B) Category II: Disregard for Rights of Others (5 years to 15 years).
- (C) Category III: Misuse of Authority (5 years to 10 years).
- (D) Category IV: Gross Misconduct (5 years to 10 years).
- (E) Category V: Misconduct (3 years to 7 years).
- (F) Category VI: Insubordination (3 years to 7 years).

(5) Eligibility to Reapply; Ineligibility Periods. A person is not eligible to reapply for training or certification if the person had training or certification denied or revoked for:

- (a) Mandatory grounds identified in section (3) of this rule; or
- (b) Discretionary Disqualifying Misconduct identified in section (4) of this rule that is determined to be a Category I lifetime disqualifier.

(6) Eligibility to reapply for certification:

(a) In determining the initial minimum period of ineligibility within any category for discretionary disqualifying misconduct listed in section (4) of this rule, the Board will take into consideration any mitigating or aggravating factors, subject to the provisions of section (9) of this rule.

(b) The initial minimum period of ineligibility will be included in any Final Order of the Department.

(c) Any subsequent eligibility to apply for certification will be determined by the Board, after Policy Committee review, subject to the provisions of section (11) of this rule.

(7) Guidelines for Denial or Revocation Based on Discretionary Disqualifying Misconduct. In determining whether to take action on a conviction, Standards and Certification must use the following guidelines:

(a) In making a decision on a discretionary denial or revocation, Standards and Certification will consider the implementation dates relating to new mandatory conviction notification requirements adopted in 2003 and statutory changes dealing with lifetime disqualifier convictions for public safety professionals adopted in 2001.

(b) Standards and Certification will not take action on a conviction constituting discretionary disqualifying misconduct that occurred prior to January 1, 2001. However, Standards and Certification may consider such conviction as evidence that a public safety professional does not meet the established moral fitness guidelines.

(c) Standards and Certification may take action on any conviction constituting discretionary disqualifying misconduct that occurred after January 1, 2001; however, crimes with a presumptive category of only Misconduct (Category V) may be appropriate for summary staff disposition or administrative closure if the conviction occurred seven years or more prior to the date of review and it represents the sole criminal conviction in the public safety professional's history.

(d) The Board may reconsider any mandatory conviction which subsequently becomes a conviction constituting discretionary disqualifying misconduct, upon the request of the public safety professional.

(e) The length of ineligibility for training or certification based on a conviction begins on the date of conviction.

(f) Standards and Certification will not take action against a public safety professional or agency for failing to report, prior to January 1, 2003, a conviction that constitutes discretionary disqualifying misconduct.

(g) Standards and Certification may take action against a public safety professional or agency for failing to report, after January 1, 2003, any conviction that constitutes discretionary disqualifying misconduct.

(8) Scope of Revocation. Whenever the Department revokes the certification of any public safety professional under the provisions of OAR 259-008-0070, the revocation will encompass all public safety certificates, except fire certification(s), the Department has issued to that person.

(9) Denial and Revocation Procedure.

(a) Agency Initiated Review: When the entity utilizing a public safety professional requests that a public safety professional's certification be denied or revoked, it must submit in writing to Standards and Certification the reason for the requested denial or revocation and all factual information supporting the request.

(b) Standards and Certification Initiated Review: Upon receipt of factual information from any source, and pursuant to ORS 181.662, Standards and Certification may request that the public safety professional's certification be denied or revoked.

(c) Standards and Certification Staff Review: When Standards and Certification receives information, from any source, that a public safety professional may not meet the established standards for Oregon public safety professionals, Standards and Certification will review the request and the supporting factual information to determine if the request for denial or revocation meets statutory and administrative rule requirements.

(A) If the reason for the request does not meet the statutory and administrative rule requirements for denial or revocation Standards and Certification will notify the requestor.

(B) If the reason for the request does meet statutory and administrative rule requirements but is not supported by adequate factual information, Standards and Certification will request further information from the employer or conduct its own investigation of the matter.

(C) If Standards and Certification determines that a public safety professional may have engaged in discretionary disqualifying misconduct listed in subsection (4), the case may be presented to the Board, through a Policy Committee.

(D) Standards and Certification will seek input from the affected public safety professional, allowing him or her to provide, in writing, information for the Policy Committee and Board's review.

(E) In misconduct cases where there has been an arbitrator's opinion related to the public safety professional's employment, Standards and Certification will proceed as follows:

(i) If the arbitrator's opinion finds that underlying facts supported the allegations of misconduct, Standards and Certification will proceed as identified in paragraphs (A) through (D) of this subsection.

(ii) If the arbitrator has ordered employment reinstatement after a discharge for cause without a finding related to whether the misconduct occurred, Standards and Certification will proceed as identified in paragraphs (A) through (D) of this subsection.

ADMINISTRATIVE RULES

(iii) If the arbitrator's opinion finds that underlying facts did not support the allegation(s) of misconduct, Standards and Certification will proceed as identified in paragraph (A) of this subsection and administratively close the matter.

(d) Policy Committee and Board Review: In making a decision to authorize initiation of proceedings under subsection (e) of this rule, based on discretionary disqualifying misconduct, the Policy Committees and Board may consider mitigating and aggravating circumstances, including, but not limited to, the following:

(A) When the misconduct occurred in relation to the public safety professional's employment in public safety (i.e., before, during after);

(B) If the misconduct resulted in a conviction:

(i) Whether it was a misdemeanor or violation;

(ii) The date of the conviction(s);

(iii) Whether the public safety professional was a minor at the time and tried as an adult;

(iv) Whether the public safety professional served time in prison or jail and the length of incarceration;

(v) Whether restitution was ordered, and whether the public safety professional met all obligations;

(vi) Whether the public safety professional has ever been on parole or probation. If so, the date the parole or probation period expired or will expire; and

(vii) Whether the public safety professional has more than one conviction and over what period of time;

(C) Whether the public safety professional engaged in the same misconduct more than once and over what period of time;

(D) Whether the actions of the public safety professional reflect adversely on the profession or would cause a reasonable person to have substantial doubts about the public safety professional's honesty, fairness, respect for the rights of others, or for the laws of the state or the nation;

(E) Whether the misconduct involved domestic violence;

(F) Whether the public safety professional self-reported the misconduct;

(G) Whether the conduct adversely reflects on the fitness of the public safety professional to perform as a public safety professional;

(H) Whether the conduct renders the public safety professional otherwise unfit to perform their duties because the agency or public has lost confidence in the public safety professional; and

(I) What the public safety professional's physical or emotional condition was at the time of the conduct.

(e) Initiation of Proceedings: Upon determination that the reason for denial or revocation is supported by factual data meeting the statutory and administrative rule requirements, a contested case notice will be prepared and served on the public safety professional.

(f) Contested Case Notice:

(A) All contested case notices will be prepared in accordance with the applicable provisions of the Attorney General's Model Rules or Procedures adopted under OAR 259-005-0015.

(B) In discretionary cases heard by a policy committee, the contested case notice will be served on the public safety professional prior to Board review. If the Board disapproves the policy committee's recommendation, the Department will withdraw the Contested Case Notice.

(g) Response Time:

(A) A party who has been served with a "Contested Case Notice of Intent to Deny Certification" has 60 days from the date of mailing or personal service of the notice in which to file a written request for a hearing with the Department.

(B) A party who has been served with the "Contested Case Notice of Intent to Revoke Certification" has 20 days from the date of mailing or personal service of the notice in which to file a written request for hearing with the Department.

(h) Default Orders:

(A) If a timely request for a hearing is not received, the Contested Case Notice will become a final order denying or revoking certification pursuant to OAR 137-003-0672.

(B) If a timely request for a hearing is not received in cases heard by a policy committee, the Contested Case Notice will become a final order denying or revoking certification pursuant to OAR 137-003-0672, pending Board affirmation.

(i) Hearing Request: If a timely request for a hearing is received, the Department will refer the matter to the Office of Administrative Hearings in accordance with OAR 137-003-0515.

(j) Proposed and Final Orders:

(A) In cases in which a hearing is requested, proposed orders, exceptions, and final orders will be issued pursuant to the applicable provisions of the Attorney General's Model Rules of Procedures adopted under OAR 259-005-0015.

(B) Department-proposed amendments to a proposed order issued by an Administrative Law Judge 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 can be issued.

(k) Stipulated Order Revoking Certification: The Department may enter a stipulated order revoking the certification of a public safety professional upon the person's voluntary agreement to terminate an administrative proceeding to revoke a certification, or to relinquish a certification, under the terms and conditions outlined in the stipulated order.

(10) Appeal Procedure. A public safety professional, aggrieved by the findings and Order of the Department may, as provided in ORS 183.480, file an appeal with the Court of Appeals from the final Order of the Department.

(11) Reapplication Process.

(a) Any public safety professional whose certification has been denied or revoked pursuant to section (4) of this rule, may reapply for certification within the applicable timeframes described in sections (4) through (6) of this rule. The initial minimum ineligibility period will begin on the date an Order of the Department denying or revoking certification becomes final. The initial minimum ineligibility period will cease when the applicable timeframe stated in the Order has been satisfied.

(b) Any public safety professional whose certification has been denied or revoked based on discretionary disqualifying misconduct may not reapply for certification until:

(A) The initial minimum period of ineligibility stated in an Order of the Department denying or revoking certification has been satisfied;

(i) If the initial period of ineligibility for the individual was for a period of less than the maximum period identified in section (4) of this rule, and the Board determines that an individual must remain ineligible to apply for certification, then the individual may not reapply for certification under the provisions of this rule until after the maximum initial period of ineligibility identified in (4) of this rule has been satisfied.

(ii) If the individual has satisfied the maximum initial period of ineligibility and the Board determines that an individual must remain ineligible to apply for certification, then the individual may not submit any further requests for an eligibility determination, and the original denial or revocation remains permanent.

(B) A written request for an eligibility determination has been submitted to the Department and a Policy Committee has recommended that a public safety professional's eligibility to apply for public safety or instructor certification be restored and the Board has upheld the recommendation;

(i) A request for an eligibility determination should include documentation or information that supports the public safety professional's request for eligibility to apply for certification.

(ii) In considering a request for an eligibility determination, the Policy Committee and the Board may consider mitigating and aggravating circumstances identified in Section 9(d) of this rule.

(iii) After reviewing a written request for an eligibility determination, the Board, through a Policy Committee, may determine that the individual's eligibility to apply for certification be restored if the criteria for certification have been met; or determine that the factors that originally resulted in denial or revocation have not been satisfactorily mitigated and the individual must remain ineligible to apply for certification.

(C) The public safety professional is employed or utilized by a public safety agency or the Department; and

(D) All requirements for certification have been met.

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

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

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 1-1980(Temp), f. & ef. 6-26-80; PS 2-1980, f. & ef. 12-8-80; PS 1-1981, f. 9-26-81, ef. 11-2-81; PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; Renumbered from 259-010-0055, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 2-1996, f. 5-15-96, cert. ef. 5-20-96; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 6-2000, f. & cert. ef. 9-29-00; BPSST 14-2001(Temp), f. & cert. ef. 10-26-01 thru 4-5-02; BPSST 5-2002(Temp) f. 4-3-02, cert. ef. 4-6-02 thru 8-1-02; BPSST 16-2002, f. & cert. ef. 7-5-02; BPSST 22-2002, f. & cert. ef. 11-18-02; DPSSST 7-2003, f. & cert. ef. 4-11-03; DPSSST 7-2004, f. & cert. ef. 4-23-04; DPSSST 10-2006, f. & cert. ef. 7-6-06; DPSSST 16-2008, f. & cert. ef. 10-15-08; DPSSST 21-2008, f. 12-15-08, cert. ef. 1-1-09; DPSSST 11-2011, f. & cert. ef. 7-1-11; DPSSST 11-2012, f. & cert. ef. 4-24-12; DPSSST 19-2012, f. & cert. ef. 8-31-12; DPSSST 22-2012, f. & cert. ef. 10-23-12; DPSSST 26-2012(Temp), f. & cert. ef. 12-14-12 thru 6-12-13; DPSSST 3-2013, f. & cert. ef. 1-22-13; DPSSST 21-2013, f. & cert. ef. 9-23-13; DPSSST 1-2014, f. & cert. ef. 1-2-14; DPSSST 4-2014, f. & cert. ef. 1-28-14; DPSSST 7-2014(Temp), f. & cert. ef. 2-27-14 thru 8-1-14; DPSSST 16-2014, f. & cert. ef. 6-24-14; DPSSST 20-2014, f. & cert. ef. 7-30-14; DPSSST 21-2014(Temp), f. & cert. ef. 7-31-14 thru 1-27-15

ADMINISTRATIVE RULES

259-009-0070

Denial/Revocation

(1) It is the responsibility of the Board to set the standards, and of the Department to uphold them, to ensure the highest levels of professionalism and discipline. These standards will be upheld at all times, unless the Board determines that the safety of the public or respect of the profession is compromised.

(2) Definitions. For purposes of this rule, the following definitions will apply:

(a) "Denial" or "Deny" means the refusal to grant a fire service certification for mandatory grounds or discretionary disqualifying misconduct as identified in this rule, pursuant to the procedures identified in (6) of this rule.

(b) "Discretionary Conviction" means a conviction identified in OAR 259-009-0070(4).

(c) "Discretionary Disqualifying Misconduct" means misconduct identified in OAR 259-009-0070(4).

(d) "Revocation" or "Revoke" means to withdraw the certification of a fire service professional or instructor for mandatory grounds or discretionary disqualifying misconduct as identified in this rule, pursuant to the procedures identified in section (6) of this rule.

(3) Mandatory Grounds for Denying or Revoking Certification of a Fire Service Professional or Instructor:

(a) The Department must deny or revoke the certification of any fire service professional or instructor, after written notice, and a hearing if requested, based upon a finding that:

(A) The fire service professional or instructor has been convicted in this state of a crime listed in ORS 137.700 or in any other jurisdiction of a crime that, if committed in this state would constitute a crime listed in 137.700. Those crimes are:

- 163.095 Attempted Aggravated Murder;
- 163.115 Attempted Murder;
- 163.115 Murder;
- 163.118 Manslaughter in the First Degree;
- 163.125 Manslaughter in the Second Degree;
- 163.149 Aggravated Vehicular Homicide;
- 163.175 Assault in the Second Degree;
- 163.185 Assault in the First Degree;
- 163.225 Kidnapping in the Second Degree;
- 163.235 Kidnapping in the First Degree;
- 163.365 Rape in the Second Degree;
- 163.375 Rape in the First Degree;
- 163.395 Sodomy in the Second Degree;
- 163.405 Sodomy in the First Degree;
- 163.408 Sexual Penetration in the Second Degree;
- 163.411 Sexual Penetration in the First Degree;
- 163.427 Sexual Abuse in the First Degree;
- 163.670 Using a Child in a Display of Sexually Explicit Conduct;
- 164.325 Arson in the First Degree (See exception under OAR 259-009-0070(4));
- 164.405 Robbery in the Second Degree;
- 164.415 Robbery in the First Degree;
- 167.017 Compelling Prostitution.

(B) The fire service professional or instructor has been discharged for cause from employment as a fire service professional or instructor.

(b) For purposes of this rule, "discharged for cause", means an employer initiated termination of employment for any of the following reasons after a final determination has been made. If, after service by the Department of a Notice of Intent to Deny or Revoke Certifications (NOI), the fire service professional or instructor provides notice to the Department within the time stated in the NOI that the discharge has not become final, then the Department may stay further action pending a final determination.

(A) Dishonesty: Includes untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification;

(B) Disregard for the Rights of Others: Includes violating the constitutional or civil rights of others, conduct demonstrating a disregard for the principles of fairness, respect for the rights of others, protecting vulnerable persons, and the fundamental duty to protect and serve the public;

(C) Gross Misconduct: An act or failure to act that creates a danger or risk to persons, property, or to the efficient operation of the agency, recognizable as a gross deviation from the standard of care that a reasonable fire service professional or instructor would observe in a similar circumstance;

(D) Incompetence: A demonstrated lack of ability to perform the essential tasks of a fire service professional or instructor that remedial measures have been unable to correct;

(E) Misuse of Authority: Includes abuse of public trust, abuse of authority to obtain a benefit, avoid a detriment, or harm another, and abuse under the color of office;

(4) Discretionary disqualifying misconduct as Grounds for Denying or Revoking Certification(s) of a Fire Service Professional or Instructor:

(a) The Department may deny or revoke the certification of any fire service professional or instructor, after written notice, and a hearing, if requested, based upon a finding that:

(A) The fire service professional or instructor falsified any information submitted on the application for certification or on any documents submitted to the Board or Department;

(B) The fire service professional or instructor has been convicted of an offense listed in subsection (4)(c), punishable as a crime, other than a mandatory disqualifying crime listed in section (3) of this rule, in this state or any other jurisdiction.

(b) For purposes of this rule, the Department, through the Fire Policy Committee and Board, has defined core values that are integral to the fire service profession. These values are:

(A) Category I: Honesty. Honesty includes straightforwardness of conduct; integrity, adherence to the facts; freedom from subterfuge or duplicity; truthfulness and sincerity.

(B) Category II: Professionalism. Professionalism includes the conduct, aims, or qualities that characterize or mark a profession or a professional person; extreme competence in an occupation or pursuit.

(C) Category III: Justice. Justice includes just treatment, the quality or characteristics of being just, impartial, or fair.

(c) Pursuant to ORS 181.662(3)(b), the Department has determined that, in the absence of a determination to the contrary by the Fire Policy Committee and Board, a fire service professional or instructor who has been convicted of the following crimes has violated the core values of the fire service profession and may not be fit to receive or hold certification:

- 25.785(3) (False Submission Social Security Number) – Category I;
- 92.337 (Furnishing False Information or Making a False Representation) – Category I;
- 162.015 (Bribe Giving) – Category III;
- 162.025 (Bribe Receiving) – Category III;
- 162.065 (Perjury) – Category I;
- 162.117 (Public Investment Fraud) – Category I;
- 162.155 (Escape in the Second Degree) – Category II;
- 162.165 (Escape in the First Degree) – Category II;
- 162.185 (Supplying Contraband) – Category II;
- 162.205 (Failure to Appear in the First Degree) – Category II;
- 162.265 (Bribing a Witness) – Category III;
- 162.275 (Bribe Receiving by a Witness) – Category III;
- 162.285 (Tampering with a Witness) – Category III;
- 162.305 (Tampering with Public Records) – Category III;
- 162.325 (Hindering Prosecution) – Category III;
- 162.355 (Simulating Legal Process) – Category III;
- 162.365 (Criminal Impersonation) – Category I;
- 162.367 (Criminal Impersonation of a Peace Officer) – Category I;
- 162.415 (Official Misconduct in the First Degree) – Category II;
- 163.145 (Criminally Negligent Homicide) – Category III;
- 163.160 (Assault in the Fourth Degree) – Category III;
- 163.165 (Assault in the Third Degree) – Category III;
- 163.205 (Criminal Mistreatment in the First Degree) – Category III;
- 163.207 (Female Genital Mutilation) – Category III;
- 163.208 (Assaulting a Public Safety Officer) – Category III;
- 163.213 (Unlawful Use of an Electrical Stun Gun, Tear Gas or Mace in the First Degree) – Category II;
- 163.245 (Custodial Interference in the Second Degree) – Category III;
- 163.257 (Custodial Interference in the First Degree) – Category III;
- 163.275 (Coercion) – Category III;
- 163.355 (Rape in the Third Degree) – Category III;
- 163.425 (Sexual Abuse in the Second Degree) – Category III;
- 163.465 (Public Indecency) – Category III;
- 163.515 (Bigamy) – Category III;
- 163.525 (Incest) – Category III;
- 163.535 (Abandonment of a Child) – Category III;
- 163.537 (Buying or Selling a Person Under 18 years of age) – Category III;
- 163.547 (Child Neglect in the First Degree) – Category III;
- 163.555 (Criminal Non-Support) – Category III;
- 163.684 (Encouraging Child Sexual Abuse in the First Degree) – Category III;
- 163.686 (Encouraging Child Sexual Abuse in the Second Degree) – Category III;
- 163.688 (Possession of Materials Depicting Sexually Explicit Conduct of a Child in the Second Degree) – Category III;
- 163.689 (Possession of Materials Depicting Sexually Explicit Conduct of a Child in the Second Degree) – Category III;
- 163.732 (Stalking) – Category III;
- 163.750 (Violating Court's Stalking Protective Order) – Category III;
- 164.045 (Theft in the Second Degree) – Category I;
- 164.055 (Theft in the First Degree) – Category I;
- 164.057 (Aggravated Theft in the First Degree) – Category I;
- 164.075 (Theft by Extortion) – Category I;
- 164.125 (Theft of Services: by Deception) – Category I;
- 164.135 (Unauthorized Use of a Vehicle) – Category I;
- 164.140 (Criminal Possession of Rented or Leased Personal Property: felony only) – Category I;
- 164.170 (Laundering a Monetary Instrument) – Category I;
- 164.172 (Engaging in a Financial Transaction in Property Derived from Unlawful Activity) – Category I;
- 164.215 (Burglary in the Second Degree) – Category III;
- 164.225 (Burglary in the First Degree) – Category III;
- 164.235 (Possession of a Burglary Tool or Theft Device) – Category III;
- 164.315 (Arson in the Second Degree) – Category II;
- 164.325 (Arson in the First Degree – If not a conviction under ORS 137.700) –

ADMINISTRATIVE RULES

Category II;
164.365 (Criminal Mischief in the First Degree) — Category III;
164.377 (Computer Crime) — Category III;
164.395 (Robbery in the Third Degree) — Category III;
164.868 (Unlawful Labeling of a Sound Recording) — Category III;
164.869 (Unlawful Recording of a Live Performance) — Category III;
164.872 (Unlawful Labeling of a Videotape Recording) — Category III;
164.885 (Endangering Aircraft) — Category II;
164.889 (Interference with Agricultural Research) — Category III;
165.013 (Forgery in the First Degree) — Category I;
165.022 (Criminal Possession of a Forged Instrument in the First Degree) — Category I;
165.032 (Criminal Possession of a Forgery Device) — Category I;
165.055 (Fraudulent Use of a Credit Card: Felony Only) — Category I;
165.065 (Negotiating a Bad Check) — Category I;
165.070 (Possessing Fraudulent Communications Device) — Category I;
165.074 (Unlawful Factoring of Payment Card Transaction) — Category I;
165.085 (Sports Bribery) — Category III;
165.090 (Sports Bribe Receiving) — Category III;
165.579 (Cellular Counterfeiting in the Second Degree) — Category III;
165.581 (Cellular Counterfeiting in the First Degree) — Category III;
165.692 (Making False Claim for Health Care Payment) — Category I;
165.800 (Identity Theft) — Category I;
165.810 (Unlawful Possession of a Personal Identification Device) — Category I;
165.813 (Unlawful Possession of Fictitious Identification) — Category I;
166.005 (Treason) — Category II;
166.015 (Riot) — Category II;
166.085 (Abuse of Corpse in the Second Degree) — Category II;
166.087 (Abuse of Corpse in the First Degree) — Category II;
166.155 (Intimidation in the Second Degree) — Category III;
166.165 (Intimidation in the First Degree) — Category III;
166.220 (Unlawful Use of Weapon) — Category II;
166.270 (Possession of Weapons by Certain Felons: Felony only) — Category II;
166.275 (Possession of Weapons by Inmates of Institutions) — Category II;
166.370 (Possession of Firearm or Dangerous Weapon in Public Building or Court Facility; Exceptions; Discharging Firearm at School) — Category II;
166.382 (Possession of Destructive Device Prohibited) — Category II;
166.384 (Unlawful Manufacture of Destructive Device) — Category II;
166.429 (Firearms Used in Felony) — Category II;
166.438 (Transfer of Firearms at Gun Shows: Felony Only) — Category II;
166.450 (Obliteration or Change of Identification Number on Firearms) — Category II;
166.642 (Felon in Possession of Body Armor) — Category II;
166.643 (Unlawful Possession of Body Armor) — Category II;
166.649 (Throwing an Object Off an Overpass in the Second Degree) — Category III;
166.651 (Throwing an Object Off an Overpass in the First Degree) — Category III;
166.660 (Unlawful Paramilitary Activity) — Category III;
166.720 (Racketeering Activity Unlawful) — Category II;
167.012 (Promoting Prostitution) — Category III;
167.062 (Sadomasochistic Abuse or Sexual Conduct in Live Show: Felony Only) — Category III;
167.164 (Possession of Gray Machine) — Category I;
167.212 (Tampering with Drug Records) — Category I;
167.262 (Adult Using Minor in Commission of Controlled Substance Offense: Felony Only) — Category III;
167.322 (Aggravated Animal Abuse in the First Degree) — Category III;
167.339 (Assaulting Law Enforcement Animal) — Category III;
305.815 (False Return, Statement or Document) — Category I;
411.630 (Unlawfully Obtaining Public Assistance) — Category I;
411.675 (Submitting Wrongful Claim for Payment) — Category I;
411.840 (Unlawfully Obtaining or Disposing of Supplemental Nutrition Assistance) — Category I;
433.010(1) (Willfully Causing the Spread of Communicable Disease) — Category II;
475.840 (Prohibited Acts Generally: Manufacture or Deliver a Controlled Substance) — Category II;
475.846 (Unlawful Manufacture of Heroin) — Category II;
475.848 (Unlawful Manufacture of Heroin Within 1,000 Feet of School) — Category III;
475.850 (Unlawful Delivery of Heroin) — Category II;
475.852 (Unlawful Delivery of Heroin Within 1,000 Feet of School) — Category III;
475.854 (Unlawful Possession of Heroin) — Category II;
475.856 (Unlawful Manufacture of Marijuana) — Category II;
475.858 (Unlawful Manufacture of Marijuana Within 1,000 Feet of School) — Category III;
475.860 (Unlawful Delivery of Marijuana: Felony only) — Category II;
475.862 (Unlawful Delivery of Marijuana Within 1,000 Feet of School) — Category III;
475.864 (Unlawful Possession of Marijuana: Felony only) — Category II;
475.866 (Unlawful Manufacture of 3,4-Methylenedioxymethamphetamine (Ecstasy)) — Category II;
475.868 (Unlawful Manufacture of 3,4-Methylenedioxymethamphetamine (Ecstasy) Within 1,000 Feet of School) — Category III;
475.870 (Unlawful Delivery of 3,4-Methylenedioxymethamphetamine (Ecstasy)) — Category II;
475.872 (Unlawful Delivery of 3,4-Methylenedioxymethamphetamine (Ecstasy) Within 1,000 Feet of School) — Category II;
475.874 (Unlawful Possession of 3,4-Methylenedioxymethamphetamine (Ecstasy)) — Category II;
475.876 (Unlawful Manufacture of Cocaine) — Category II;
475.878 (Unlawful Manufacture of Cocaine Within 1,000 Feet of School) — Category III;
475.880 (Unlawful Delivery of Cocaine) — Category II;
475.882 (Unlawful Delivery of Cocaine Within 1,000 Feet of School) — Category III;
475.884 (Unlawful Possession of Cocaine) — Category II;
475.886 (Unlawful Manufacture of Methamphetamine) — Category II;

475.888 (Unlawful Manufacture of Methamphetamine Within 1,000 Feet of School) — Category III;
475.890 (Unlawful Delivery of Methamphetamine) — Category II;
475.892 (Unlawful Delivery of Methamphetamine Within 1,000 Feet of School) — Category III;
475.894 (Unlawful Possession of Methamphetamine) — Category II;
475.904 (Unlawful Manufacture or Delivery of Controlled Substance Within 1,000 Feet of School) — Category III;
475.908 (Causing Another Person to Ingest a Controlled Substance) — Category III;
475.910 (Application of Controlled Substance to the Body of Another Person) — Category III;
475.914 (Prohibited Acts for Registrants: Deliver or Dispense Controlled Substance) — Category II;
475.962 (Distribution of Equipment, Solvent, Reagent or Precursor Substance with Intent to Facilitate Manufacture of Controlled Substances) — Category II;
475.967 (Possession of Precursor Substance With Intent to Manufacture Controlled Substance) — Category II;
475.977 (Possessing or Disposing of Methamphetamine Manufacturing Waste) — Category II;
476.150 (Entry and Inspection of Premises; Interfering or Preventing Entry) — Category II;
476.380 (Burning without a Permit) — Category II;
476.510 to 476.610 (Violations of the Emergency Conflagration Act) — Category II;
532.140 (Branding or Marking Forest Products and Booming Equipment with the Intent to Injure or Defraud) — Category I;
632.470 (False Representation as to Raising, Production or Packing, Class A Misdemeanor) — Category I;
632.475 (Possession of Unlabeled, Falsely Labeled or Deceptively Packed Products, Class A Misdemeanor) — Category I;
659.815 (Deceptive Representations or Advertisements by Persons Employing Labor) — Category I;
688.120 (Fraudulent Representation) — Category I;
689.995(3) (Willfully Furnishing False Information) — Category I;
689.995(4) (Making or Causing to be Made Any False Representations) — Category I;
731.260 (False or Misleading Filings) — Category I;
759.360(2) and (3) (False Statements or False Representation) — Category I;
811.182 (Criminal Driving While Suspended or Revoked) — Category II;
811.540 (Fleeing or Attempting to Elude Police Officer: Felony Only) — Category II;
811.705 (Failure to Perform Duties of a Driver to Person Injured) — Category II;
813.010 (DUII: Felony Only) — Category II.

(A) Any crime that requires the fire service professional or instructor to register as a sex offender.

(B) “Attempt,” “Solicitation,” or “Conspiracy” to commit a crime listed in ORS 137.700 or in any other jurisdiction that, if committed in this state would constitute an attempt, solicitation, or conspiracy to commit a crime listed in 137.700 and identified in OAR 259-009-0070(3).

(C) Conviction of felony or Class A misdemeanor.

(D) “Attempt,” “Solicitation” or “Conspiracy” to commit a crime identified in this rule as a discretionary disqualifier.

(d) If a fire service professional or instructor held certification on or before January 15, 2008 and applies for a new certification, the Department will proceed as follows:

(A) No action will be taken on a discretionary conviction that occurred prior to January 15, 2003.

(B) The Department will not initiate revocation proceedings based on a discretionary disqualifying conviction that occurred between January 15, 2003 and January 15, 2008.

(C) The Department may initiate denial of a new certification based on a discretionary disqualifying conviction that occurred between January 15, 2003 and January 15, 2008.

(e) If a fire service professional or instructor held certification on January 15, 2008 and applies for or obtains certification after that date, the Department may initiate denial or revocation of all certifications held based on a discretionary disqualifying conviction that occurred prior to January 15, 2008.

(f) If a fire service professional or instructor is convicted of a discretionary disqualifying crime on or after January 15, 2008, the Department may initiate a denial or revocation of all certification(s) upon learning of the conviction.

(5) Initial Minimum Periods of Ineligibility.

(a) Upon determination to proceed with the denial or revocation of a fire service professional’s or instructor’s certification based on discretionary disqualifying misconduct identified in section (4), the Fire Policy Committee and Board will determine an initial minimum period of ineligibility to apply for certification. The initial minimum period of ineligibility will range from 30 days to seven years.

(b) In determining the initial minimum period of ineligibility for discretionary disqualifying misconduct listed in section (4) of this rule, the Fire Policy Committee and the Board will take into consideration any aggravating or mitigating factors subject to the provisions of section (6) of this rule.

(c) A person is not eligible to reapply for training or certification if the person had training or certification denied or revoked for mandatory grounds identified in section (3) of this rule.

ADMINISTRATIVE RULES

(d) The initial minimum period of ineligibility will be included in any Final Order of the Department.

(e) Any subsequent eligibility to apply for certification will be determined by the Board, after a review by the Fire Policy Committee, subject to the provisions of section (8) of this rule.

(6) Denial and Revocation Procedure.

(a) Agency Initiated Review: When an agency utilizing a fire service professional or instructor requests that their certification be revoked or denied, the agency must submit the reason for the requested revocation or denial to the Department, in writing, including all factual information supporting the request.

(b) Department Initiated Review: Upon receipt of factual information from any source, and pursuant to ORS 181.662, the Department may request that the fire service professional's or instructor's certification be revoked or denied.

(c) Department Staff Review: When the Department receives information, from any source, that a fire service professional or instructor may not meet established Oregon fire service standards, the Department will review the request and the supporting factual information to determine if the request for denial or revocation meets statutory and administrative rule requirements.

(A) If the reason for the request does not meet the statutory and administrative rule requirements for denial or revocation the Department will notify the requestor.

(B) If the reason for the request does meet statutory and administrative rule requirements, but is not supported by adequate factual information, the Department will request further information from the employer or conduct its own investigation of the matter.

(C) If the Department determines that a fire service professional or instructor may have engaged in discretionary disqualifying misconduct listed in section (4), the case may be presented to the Board, through the Fire Policy Committee.

(D) The Department will seek input from the affected fire service professional or instructor, allowing him or her to provide, in writing, information for the Fire Policy Committee and Board's review.

(E) In misconduct cases where there has been an arbitrator's opinion related to the fire service professional's or instructor's employment, the Department will proceed as follows:

(i) If the arbitrator's opinion finds that underlying facts supported the allegations of misconduct, the Department will proceed as identified in paragraphs (A) through (D) of this subsection.

(ii) If the arbitrator has ordered employment reinstatement after a discharge for cause without a finding related to whether the misconduct occurred, the Department will proceed as identified in paragraphs (A) through (D) of this subsection.

(iii) If the arbitrator's opinion finds that underlying facts did not support the allegation(s) of misconduct, the Department will proceed as identified in paragraph (A) of this subsection and administratively close the matter.

(d) Policy Committee and Board Review. In making a decision to authorize initiation of proceedings under subsection (f) of this rule, based on discretionary disqualifying misconduct, the Fire Policy Committee and Board may consider mitigating and aggravating circumstances including, but not limited to the following:

(A) When the misconduct occurred in relation to the fire service professional's or instructor's service as a fire service professional or instructor (i.e., before, during, after);

(B) Whether the fire service professional or instructor served time in prison or jail and the length of incarceration;

(C) Whether restitution was ordered and if the fire service professional or instructor met all obligations;

(D) Whether the fire service professional or instructor has ever been on parole or probation. If so, the date the parole or probation period expired or will expire;

(E) Whether the fire service professional or instructor has more than one conviction and over what period of time;

(F) Whether the misconduct involved domestic violence;

(G) Whether the fire service professional or instructor self-reported the misconduct;

(H) Whether the conduct involved dishonesty, fraud, deceit, or misrepresentation;

(I) Whether the conduct was prejudicial to the administration of justice;

(J) Whether the conduct adversely reflects on the fitness of the fire service professional or instructor to perform as a fire service professional or instructor;

(K) Whether the conduct makes the fire service professional or instructor otherwise unfit to render effective service because of the agency's or public's loss of confidence that the fire service professional or instructor possesses the core values integral to the fire service profession; and

(L) What the fire service professional's or instructor's physical or emotional condition was at the time of the conduct.

(e) Scope of Revocation. Except as provided in (4) above, when the Department denies or revokes the certification of any fire service professional or instructor under the provisions of OAR 259-009-0070, the revocation will encompass all fire service certificates the Department has issued to that person.

(f) Initiation of Proceedings: Upon determination by the policy committee that the reason for denial or revocation is supported by factual data meeting the statutory and administrative rule requirements, a contested case notice will be prepared and served on the fire service professional or instructor.

(g) Contested Case Notice:

(A) All contested case notices will be prepared in accordance with the applicable provisions of the Attorney General's Model Rules of Procedures adopted under OAR 259-005-0015.

(B) In discretionary cases heard by a policy committee, the contested case notice will be served on the fire service professional or instructor prior to Board review. If the Board disapproves the policy committee's recommendation, the Department will withdraw the Contested Case Notice.

(h) Response Time:

(A) A party who has been served with a "Contested Case Notice of Intent to Deny Certification" has 60 days from the date of mailing or personal service of the notice in which to file a written request for a hearing with the Department.

(B) A party who has been served with a "Contested Case Notice of Intent to Revoke Certification" has 20 days from the date of mailing or personal service of the notice in which to file a written request for a hearing with the Department.

(i) Default Orders:

(A) If a timely request for a hearing is not received, the Contested Case Notice will become a final order revoking or denying certification pursuant to OAR 137-003-0672.

(B) If a timely request for a hearing is not received in cases heard by a policy committee, the Contested Case Notice will become a final order denying or revoking certification pursuant to OAR 137-003-0672, pending Board affirmation.

(j) Hearing Request: If a timely request for a hearing is received, the Department will refer the matter to the Office of Administrative Hearings in accordance with OAR 137-003-0515.

(k) Proposed and Final Orders:

(A) In cases where a hearing is requested, proposed orders, exceptions, and final orders will be issued pursuant to the applicable provision of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.

(B) Department-proposed amendments to a proposed order issued by an Administrative Law Judge 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 can be issued.

(l) Stipulated Order Revoking Certification: The Department may enter a stipulated order revoking the certification of a fire service professional or instructor upon the person's voluntary agreement to terminate an administrative proceeding to revoke a certification, or to relinquish a certification under the terms and conditions outlined in the stipulated order.

(7) Appeal Procedure. A fire service professional or instructor, aggrieved by the findings and Order of the Department may, as provided in ORS 183.480, file an appeal with the Court of Appeals from the final Order of the Department.

(8) Reapplication Process and Eligibility Determinations.

(a) Any fire service professional or instructor whose certification has been denied or revoked under section (4) of this rule for discretionary disqualifying misconduct may reapply for certification within the applicable timeframes described in section (5) of this rule.

(b) Any fire service professional or instructor whose certification has been denied or revoked based on discretionary disqualifying misconduct may not reapply for certification until:

ADMINISTRATIVE RULES

(A) The initial minimum period of ineligibility stated in an Order of the Department denying or revoking certification has been satisfied;

(i) If the initial period of ineligibility for the individual was for a period of less than the maximum period identified in section (5) of this rule, and the Board determines that an individual must remain ineligible to apply for certification, then the individual may not reapply for certification under the provisions of this rule until the maximum initial period of ineligibility identified in (5) of this rule has been satisfied.

(ii) If the individual has satisfied the maximum initial period of ineligibility and the Board determines that an individual must remain ineligible to apply for certification, then the individual may not submit any further requests for an eligibility determination, and the original denial or revocation remains permanent.

(B) A written request for an eligibility determination has been submitted to the Department and the Fire Policy Committee has recommended that a fire service professional's or instructor's eligibility to apply for fire service or instructor certification be restored and the Board has upheld the recommendation;

(i) A request for an eligibility determination should include documentation or information that supports the fire service professional's or instructor's request for eligibility to apply for certification.

(ii) In considering a request for an eligibility determination, the Fire Policy Committee and the Board may consider mitigating and aggravating circumstances identified in section (6)(d) of this rule.

(iii) After reviewing a written request for an eligibility determination, the Board, through the Fire Policy Committee, may determine that the individual's eligibility to apply for certification be restored if the criteria for certification have been met; or determine that the factors that originally resulted in denial or revocation have not been satisfactorily mitigated and the individual must remain ineligible to apply for certification.

(C) The fire service professional or instructor is employed or utilized by a fire service agency; and

(D) All requirements for certification have been met.

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

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

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

Hist.: BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 3-2008, f. & cert. ef. 1-15-08; DPSST 7-2009, f. & cert. ef. 7-13-09; DPSST 7-2010, f. & cert. ef. 8-1-10; DPSST 1-2011, f. & cert. ef. 4-1-11; DPSST 11-2011, f. & cert. ef. 7-1-11; DPSST 19-2012, f. & cert. ef. 8-31-12; DPSST 7-2013, f. & cert. ef. 3-26-13; DPSST 22-2013, f. & cert. ef. 10-3-13; DPSST 4-2014, f. & cert. ef. 1-28-14; DPSST 20-2014, f. & cert. ef. 7-30-14; DPSST 21-2014(Temp), f. & cert. ef. 7-31-14 thru 1-27-15

.....

Rule Caption: To ensure compliance with the Federal Constitution and DOJ directives regarding same-sex marriage recognition.

Adm. Order No.: DPSST 22-2014(Temp)

Filed with Sec. of State: 8-11-2014

Certified to be Effective: 8-11-14 thru 2-6-15

Notice Publication Date:

Rules Amended: 259-070-0010

Subject: All state agencies administering state laws must recognize the marriages of same-sex couples validly performed in other jurisdictions to the same extent that they recognize other marriages validly performed in other jurisdictions. This direction has a direct impact on the administration of the Public Safety Memorial Fund program, as the spouses of public safety officers are named as eligible family members for the benefit, per ORS 243.954.

To ensure compliance with the federal Constitution and DOJ directives, DPSST is filing a temporary rule addressing this issue while the permanent rulemaking process begins, which will include Public Safety Memorial Fund Board review.

Rules Coordinator: Sharon Huck—(503) 378-2432

259-070-0010

Eligibility

(1) Eligibility of award applies to public safety officers who suffered a qualifying death or disability on or after October 23, 1999. Subject to availability of funds, the Board may award benefits to:

(a) Eligible family members of public safety officers who suffered a qualifying death or disability on or after October 23, 1999;

(b) A designee of a public safety officer who suffered a qualifying death or disability on or after January 1, 2008.

(c) Family members of public safety officers who suffered a qualifying death or disability after January 1, 1997, but prior to October 23, 1999 as described in Section 12, Chapter 981, Oregon Laws 1999.

(2) Prior to acceptance of an initial application, any individual applying for benefits based on a qualifying disability must provide satisfactory evidence that they meet the definition of "permanent total disability" found in ORS 656.206 and OAR 436-030-0055. Satisfactory evidence is established by submitting:

(a) Proof of Determination of Permanent Total Disability in compliance with the Worker's Compensation Division of the Department of Consumer and Business Services; or

(b) Competent written vocational testimony by a person fully certified by the State of Oregon to render vocational services that the applicant meets the definition of "permanent total disability" found in ORS 656.206 and OAR 430-030-0055.

(3) For the purposes of ORS 243.954(3)(a), "spouse" includes members of same-sex couples whose marriage was validly performed in another jurisdiction, effective January 1, 2014.

Stat. Auth.: ORS 243.970

Stats. Implemented: ORS 243.956

Hist.: BPSST 2-2000(Temp), f. & cert. ef. 4-27-00 thru 10-16-00; BPSST 5-2000, f. & cert. ef. 9-29-00; BPSST 3-2002, f. & cert. ef. 2-11-02; DPSST 12-2005, f. & cert. ef. 11-15-05; DPSST 1-2007, f. & cert. ef. 1-12-07; DPSST 20-2008, f. & cert. ef. 10-15-08; DPSST 18-2011, f. & cert. ef. 12-28-11; DPSST 22-2014(Temp), f. & cert. ef. 8-11-14 thru 2-6-15

.....

Department of Revenue

Chapter 150

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

Adm. Order No.: REV 1-2014

Filed with Sec. of State: 7-31-2014

Certified to be Effective: 7-31-14

Notice Publication Date: 6-1-2014

Rules Amended: 150-314.410(2), 150-315.164, 150-316.127-(A), 150-316.587(8)-(A), 150-317.147

Rules Repealed: 150-315.141

Subject: 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—(503) 947-2082

150-314.410(2)

Five-Year Statute of Limitations

(1) For tax years beginning before January 1, 2014, the term "gross income" as used in ORS 314.410(2) has the same meaning as provided under section 61 of the Internal Revenue Code. For tax years beginning on or after January 1, 2014, the term "gross income" as used in ORS 314.410(2) has the same meaning as provided under:

(a) Section 61 of the Internal Revenue Code as it relates to any income other than from the sale of goods or services in a trade or business, or

(b) Section 6501(e) of the Internal Revenue Code as it relates to a trade or business.

(2) An item shall not be considered as omitted from gross income if information sufficient to apprise the Department of the nature and amount of such item is disclosed in the return or in any schedule or statement attached to the return.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 314.410

Hist.: 11-71; REV 1-2014, f. & cert. ef. 7-31-14

150-315.164

Agriculture Workforce Housing Credit

(1) General Information.

ADMINISTRATIVE RULES

(a) A credit is available to taxpayers who construct, install, or rehabilitate housing for agricultural workers and their immediate families.

(b) The credit is available for agriculture workforce housing projects that are physically begun on or after January 1, 1990.

(c) Depreciation and amortization expenses associated with the agriculture workforce housing project are not decreased by the amount of the tax credit allowed.

(d) The taxpayer's adjusted basis in the housing project is not decreased by any tax credits allowed.

(e) For tax years beginning on or after January 1, 2004, ORS 315.167 provides that the owner or operator of agriculture workforce housing or a contributor as described in ORS 315.163(6) must apply to the Oregon Housing and Community Services Department (OHCS D) for a letter of credit approval no later than six months after beginning an agriculture workforce housing project.

(2) Qualifications for the Tax Credit.

(a) The agriculture workforce housing project must be located in Oregon to qualify for the credit.

(b) The housing project must be limited to occupancy by agricultural workers during the tax year in order to qualify for the credit. If the housing is occupied at any time during the year by persons other than agricultural workers and their immediate families, the housing will not qualify for the credit. Nor can the housing be used for any other function except housing for agricultural workers.

(c) The taxpayer claiming the credit must:

(A) Obtain a letter of credit approval from the OHCS D; and

(B) Certify on an annual basis that any units that were occupied during the tax year were occupied only by agricultural workers or their immediate families. The letter of credit approval and the certification must be maintained in the taxpayer's records and made available to the department on request.

(d) The OHCS D administers the application and eligibility process for this credit. See chapter 813, divisions 41 and 42 of the Oregon Administrative Rules, and contact OHCS D for more information.

(3) Computation of the Tax Credit For Projects Completed in Tax Years Beginning On or After January 1, 2002

(a) The credit is equal to 50 percent of the costs directly associated with the construction or rehabilitation of the agriculture workforce housing project including costs for financing, construction, excavation, installation, and permits. Construction includes acquisition of new or used prefabricated or manufactured housing. Acquisition costs of land and existing improvements on that land used for the project are not included in the computation.

(b) The credit first may be claimed in the year the project is completed or in any of the nine succeeding tax years. No more than 20 percent of the total credit may be claimed in any one tax year. The housing is not required to be occupied prior to the end of the tax year in which the project is completed in order for the credit to be claimed.

(c) Tax credits not used in a tax year may be carried forward for up to nine years. Any credit carried forward is used first, before the allowable current year credit.

(d) Costs of rehabilitation include capital expenditures only. The allowable costs are those incurred for additions or improvements to property (or related facilities) with a useful life of five years or more. Rehabilitation costs do not include the cost of acquiring the building or an interest in the building.

(4) Computation of the Tax Credit for Projects Completed in Tax Years Beginning before January 1, 2002. The credit is equal to 30 percent of costs described in subsection (3)(a) if completed after December 31, 1995, and 50 percent if completed before December 31, 1995. The credit is claimed in equal installments over a consecutive five-year period beginning in the year the agriculture workforce housing project is completed. The credits may be carried forward for up to five years. Otherwise, the computation of the credit is the same as specified in section (3) of this rule.

(5) Disallowance and Forfeiture of Tax Credit. The tax credit will be disallowed and any prior years' credits forfeited in the case of:

(a) Fraud or misrepresentation by the taxpayer to obtain the credit.

(b) A taxpayer who is an owner or operator who fails to substantially comply with occupational health and safety rules, regulations, or standards. The Department of Consumer and Business Services will notify the department of any agriculture workforce housing project failing to substantially comply with these standards.

(c) A taxpayer who is an owner or operator who fails to obtain required registration as an agriculture workforce camp with the Department of Consumer and Business Services.

(d) A taxpayer who is an owner or operator of an agriculture workforce housing project that is not operated by a person who holds a valid endorsement as a farmworker camp operator, if required under ORS 658.730.

(6) Sale of Agriculture Workforce Housing Project. If the agriculture workforce housing project is sold, the original investor may continue to claim the tax credit, provided all other provisions are met.

Example: LeRay began construction of an agriculture workforce housing project on his property on July 1, 1995. The project was completed on December 15, 1995, and on that date complied with the applicable health and safety standards. The housing was registered with the Department of Consumer and Business Services, and LeRay obtained endorsement as a farm camp operator. LeRay must claim the credit on his 1995 return, even though no units are occupied until 1996. If LeRay sells the property, he may continue to claim the credit only by obtaining a statement from the new owner of the property, certifying that any occupied units are occupied only by agricultural workers and their immediate families. Upon audit or examination, LeRay must provide a statement for each year in which the credit is claimed if requested by the department.

(7) Transfer of Credit to Contributor. For tax years beginning on or after January 1, 2005, an owner or operator may transfer up to 100 percent of the total credit the owner or operator may claim. For tax years beginning on or after January 1, 2002 and before January 1, 2005, an owner or operator of agriculture workforce housing may transfer to one or more contributors up to 80 percent of the total credit the owner or operator may claim. A contributor claiming the credit and the owner or operator must file a joint statement to be attached to the return on which the credit is claimed. The statement must include:

(a) The owner or operator's name, federal employer ID number (FEIN), Oregon business identification number (BIN), and designation as either the owner or operator;

(b) The contributor's name, FEIN, and BIN;

(c) The amount and percentage of the credit transferred;

(d) The total amount of credit the owner or operator may claim, before any transfer to contributors; and

(e) Signatures of or on behalf of the owner or operator and the contributor.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 315.164

Hist.: 9-20-89, 12-31-89; RD 12-1990, f. 12-20-90, cert. ef. 12-31-90; RD 7-1991, f. 12-30-91, cert. ef. 12-31-91, Renumbered from 150-316.116(Note)-(B); RD 7-1993, f. 12-30-93, cert. ef. 12-31-93, Renumbered from 150-316.154; RD 5-1994, f. 12-15-94, cert. ef. 12-31-94; RD 3-1995, f. 12-29-95, cert. ef. 12-31-95; REV 8-2001, f. & cert. ef. 12-31-01; REV 8-2002, f. & cert. ef. 12-31-02; REV 6-2004, f. 7-30-04, cert. ef. 7-31-04; REV 1-2014, f. & cert. ef. 7-31-14

150-316.127-(A)

Gross Income of Nonresidents; Personal Services

(1) Personal service.

(a) Except as provided in section (2) of this rule, the gross income of a nonresident (who is not engaged in the conduct of the nonresident's own trade or business, but receives compensation for services as an employee) includes compensation for personal services only to the extent that the services were performed in this state.

(b) Compensation for personal services performed by a nonresident employee wholly outside this state and in no way connected with the management or conduct of a business in this state is excluded from gross income. This compensation is excluded even if payment is made from a point within this state or the employer is a resident individual, partnership, or corporation.

(c) Compensation for personal services performed by a nonresident wholly within this state is included in gross income although payment is received at a point outside this state or from a nonresident individual, partnership, or corporation.

(2) Exception: Various federal laws affecting certain nonresidents are explained separately. See OAR 150-316.127-(E) or 150-316.127(10).

(3) Allocation of personal services.

(a) Where compensation is received for personal services that are performed partly within and partly without this state, that part of the income allocable to this state is included in gross income. In general, income is allocable to this state to the extent the employee is physically present in this state at the time the service is performed. Physical presence is determined by the actual physical location of the employee performing the services and not by the location of the employer or the location where compensation is paid. Employees who work in Oregon and at an alternate work site located outside of Oregon may allocate their compensation under the provisions of this rule.

Example 1: Dick, a nonresident, works as a medical transcriptionist for an Oregon employer. During the year, Dick spends about 80 percent of his work time working from his home in Washington. Dick spends the remainder of his work time in the Portland office. Only the time Dick spends at the Portland office is considered time worked in Oregon.

ADMINISTRATIVE RULES

(A) The gross income from commissions earned by a nonresident for services performed or sales made, (whose compensation is a specified commission on each sale made or services performed), includes the specific commissions earned on sales made or services performed in this state. Allowable deductions must be computed on the same basis.

(B) If nonresident employees work within and without this state, the portion of total compensation for personal services allocable to Oregon is the total number of actual working days employed within the state divided by the total number of working days both within and without the state.

(C) If nonresident employees work part of a day in Oregon and part of a day outside Oregon, the portion of total compensation for personal services allocable to Oregon is the number of hours worked in Oregon divided by the total number of hours worked within and without the state.

Example 2: Rod is a nonresident of Oregon. He works for ACE Cell Tower, Inc and is paid to work 40 hours each week. Some days he works both in Oregon and Idaho. Rod earned \$64,000 in 2012. Rod's employer requires him to keep a detailed log of his travel. At the end of 2012 he had worked a total of 1,850 hours and his log and information from his employer shows that 962 of those hours were worked in Oregon. His compensation taxable to Oregon is computed as follows:

Hours worked in Oregon -- divided by -- Total hours worked x Total compensation = Oregon compensation

0.520 (962 hours divided by 1,850 hours) x \$64,000 = \$33,280

Rod's compensation subject to Oregon tax is \$33,280.

(D) If the employees are paid on a mileage basis, the gross income from sources within this state includes that portion of the total compensation for personal services which the number of miles traveled in Oregon bears to the total number of miles traveled within and without the state.

(E) If the employees are paid on some other basis, the total compensation for personal services must be apportioned between this state and other states and foreign countries in such a manner as to allocate to Oregon that portion of the total compensation which is reasonably attributable to personal services performed in this state.

(b) The gross income of all other nonresident employees, including corporate officers, includes that portion of the total compensation for services which the total number of actual working days employed within this state bears to the total number of actual working days employed both within and without this state during the taxable period.

Example 3: Jan is a nonresident of Oregon. She works for A Corp. Jan manages offices in Oregon and Washington. A Corp. pays her a salary of \$30,000 for the management of both offices. She worked in Oregon 132 days. She would figure her compensation subject to Oregon tax as follows:

Days worked in Oregon — divided by — Total days worked x Total compensation = Oregon compensation

0.600 (132 days divided by 220 days) x \$30,000 = \$18,000

Jan's compensation subject to Oregon tax is \$18,000.

An exception to this general rule is made when the compensation is received for performance of services that, by their nature, have an objective or an effect that takes place within this state. In the case of corporate officers and executives who spend only a portion of their time within this state, but whose compensation paid by a corporation operating in Oregon is exclusively for managerial services performed by such officers and executives, the entire amount of compensation so earned is taxable without apportionment.

Example 4: Cade is a nonresident of Oregon. He works for Best Engineering. Cade manages Best Engineering's only office, which is located in Oregon. Best Engineering pays him a salary exclusively for managerial services in the total amount of \$58,000. Even though Cade may perform some administrative duties from his home, the compensation he receives is for managing the Oregon office. The entire \$58,000 is taxable to Oregon.

(c) Total compensation for personal services includes sick leave pay, holiday pay, and vacation pay. Sick leave days, holidays, and vacation days are not considered actual working days either in or out of this state and are to be excluded from the calculation of the portion of total compensation for personal services taxable to this state.

Example 5: Joan is a nonresident of Oregon. She actually worked a total of 220 days during the year and was paid for 40 non-working days (holidays, sick days and vacation days). She worked 110 days in Oregon. Her compensation (including compensation for holidays, sick leave and vacations) was \$26,000. She would figure her compensation subject to Oregon tax as follows:

Days worked in Oregon — divided by — Total days worked x Total compensation = Oregon compensation

0.500 (110 days divided by 220 days) x \$26,000 = \$13,000

Joan's compensation subject to Oregon tax is \$13,000.

(d) Payment in forms other than money. Total compensation for personal services includes amounts paid in a form other than money. To the extent the payments are recognized as compensation income for federal income tax purposes, the payments will be recognized as compensation income for Oregon tax purposes and must be apportioned as provided in section (3) of this rule. Examples include but are not limited to, non-statutory stock options, taxable fringe benefits such as personal use of a business asset, and employer-paid membership fees.

(A) Non-statutory stock options with a readily ascertainable fair market value. Compensation income will be allocated to Oregon in the year an option is required to be reported on the federal return if a nonresident tax-

payer performed services in connection with the grant of such option in Oregon during the year in which the option was granted and:

(i) Is required to report under IRC section 83(a) as compensation income the value of a non-statutory stock option granted in connection with the performance of services that has a "readily ascertainable fair market value," as described in Treasury Regulation 1.83-7(b), as of the date the option was granted; or

(ii) Elects under IRC 83(b) to report the value of such an option as of the date the option was granted. If a nonresident taxpayer performed personal services partly within and partly without Oregon in the year in which the option was granted, the taxpayer must use the allocation applied to the taxpayer's other compensation under section (3) of this rule for the tax year in which the option was granted and apply that ratio to the compensation income required to be reported on the federal return. For example, if the taxpayer allocates his income under subsection (3)(a) of this rule and worked 25 percent of his time in Oregon during the year the option was granted, he must include in Oregon income 25 percent of the compensation income related to the option included in federal taxable income. Generally, Oregon will not tax the subsequent gain or loss on the sale of the stock unless the stock has acquired a business situs in Oregon. See OAR 150-316.127-(D).

(B) Non-statutory stock options without a readily ascertainable fair market value that are taxable at exercise, or in a pre-exercise disposition. If a non-statutory stock option granted in connection with performance of services that does not have a readily ascertainable fair market value at the date of the grant is recognized as compensation income for federal tax purposes and the taxpayer worked in Oregon during the year the option was granted, the taxpayer must allocate the compensation related to the option to Oregon in the same year it is taxable for federal purposes. The income that is recognized for federal purposes must be allocated to Oregon if the taxpayer worked in Oregon during the tax year the option was granted. Compute the amount of compensation includable in Oregon source income using the following formula:

Total days worked in Oregon from date of grant to date of federal recognition — divided by — Total days worked everywhere from date of grant to date of federal recognition x Compensation related to option exercise = Amount taxable by Oregon
Any further appreciation or depreciation in the value of the stock after the date of exercise represents investment income or loss and is not includable in the Oregon source income of a nonresident unless the stock acquired a business situs in Oregon (see OAR 150-316.127(D)).

(C) Treatment of taxable fringe benefits. Income recognized for federal purposes must be allocated to Oregon if the nonresident worked in Oregon during the tax year the benefit was received. The nonresident must use the same allocation rules applicable to the taxpayer's other compensation under section (3) of this rule to the taxable fringe benefits. For example, if the taxpayer allocates his income under subsection (3)(a) of this rule and worked 55 percent of his time in Oregon, 55 percent of the amount of the taxable fringe benefit that is included in federal taxable income is included in Oregon taxable income.

(e) Unemployment compensation. Total compensation includes unemployment compensation benefits to the extent the benefits pertain to the individual's employment in Oregon. If unemployment compensation benefits are received by a nonresident for employment in Oregon and in one or more other states, the unemployment compensation benefits must be apportioned to Oregon using any method that reasonably reflects the services performed in Oregon.

Example 6: Gary, a nonresident, worked in Oregon and Washington for the last 5 years. On January 1, 2014, he was laid off by his employer and received unemployment compensation of \$2,000. Gary may use the Oregon wages as a percentage of total wages reported on his nonresident tax return for the prior year (2013) to determine the percentage of unemployment benefits to be included in Oregon income for 2014. In 2013, Gary earned a total of \$40,000 of which \$26,000 was earned in Oregon. The unemployment compensation taxable to Oregon is \$1,300, computed as follows:

Oregon prior year wages — divided by — Total prior year wages x Total current year unemployment compensation = Oregon unemployment compensation
 0.650 (\$26,000 divided by \$40,000) x \$2,000 = \$1,300. Oregon will tax \$1,300 of Gary's unemployment compensation even though he received it in a tax year when he did not work in Oregon because the unemployment compensation is based on Oregon employment. He may not allocate the unemployment based on time worked in Oregon in 2014 because it does not reasonably reflect services performed in Oregon.

(f) Severance pay. Compensation includes severance pay to the extent the pay is attributable to services performed in Oregon. For purposes of this rule, "severance pay" means compensation payable on voluntary termination or involuntary termination of employment based on length of service, a percentage of final salary, a contract between the employer and the employee, a lump sum payment based on accumulated paid leave, or some other method but does not include "retirement income" as defined in ORS 316.127(9). If severance pay is received for employment within and without Oregon, the severance pay is allocated to Oregon using any method that

ADMINISTRATIVE RULES

reasonably reflects the services performed in Oregon. For lump sum payments based on accumulated leave, leave allocated to Oregon will be calculated using a first-in-first-out (FIFO) method, unless documentation establishes that another method of allocation more reasonably reflects the services performed in Oregon. Severance pay and other similar distributions are taxable to Oregon even though a taxpayer received it in a tax year when the taxpayer did not work in Oregon if the severance pay is based on Oregon employment.

Example 7: JT, a nonresident, worked for Plumbing Inc. for twenty years: eight years in Idaho and twelve years in Oregon. At the end of his 20th year, Plumbing Inc. reorganized and eliminated JT's position. Because of JT's loyalty to the company for his twenty years of service, the company gave JT a lump-sum payment of \$36,000. This lump-sum was based on 3 percent of his final annual salary ($\$60,000 \times 3\% = \$1,800$) multiplied by his number of years of service (20). The lump-sum payment was made because of prior services, thus it is allocable to Oregon to the extent the services were performed in Oregon. JT will include \$36,000 in federal taxable income and \$21,600 in Oregon taxable income, computed as follows:

Years worked in Oregon for company — divided by — Total years worked for company x Total compensation = Oregon compensation 0.600 (12 years divided by 20 years) x \$36,000 = \$21,600

Example 8: Shawn, a nonresident, worked in Oregon for XYZ Foods, Inc. for six years before resigning from the company. XYZ Foods, Inc. and Shawn entered into a termination agreement that provided \$25,000 for Shawn to release a specific claim he may have against the company for wrongful termination or other potential claims. The termination agreement also provided \$10,000 to require that Shawn not work for any other food chain within a 100 mile radius of XYZ Foods, Inc. for a period of 36 months. No employment agreement, benefit plan, or any facts or circumstances indicate that Shawn is entitled to a payment for services he performed prior to resigning from the company. The payment that Shawn receives pursuant to the termination agreement is in exchange for the release of the wrongful termination claim and the covenant not to compete and is not allocable to Oregon because it is not based on services performed in Oregon.

Example 9: Assume the same facts in Example 8 except that the termination agreement also provided for a lump-sum payment of one month's salary per year worked (\$30,000) in addition to a \$25,000 payment for release of a wrongful termination claim and \$10,000 payment for the covenant not to compete. No employment agreement, benefit plan, or other agreement indicates that Shawn is entitled to a payment for services he performed prior to resigning from the company. The \$25,000 payment for the release of the wrongful termination claim and the \$10,000 payment for the covenant not to compete are not allocable to Oregon because neither is based on services performed in Oregon. The \$30,000 lump-sum cash payment based on Shawn's salary and years of service associates the payment with the employer-employee relationship. It is 100 percent allocable to Oregon because Shawn worked in Oregon and the facts and circumstances indicate that it is paid because of prior performance of services and no other reason.

Example 10: Natalie, a nonresident, worked for Chocolate Inc. for 14 years: 12 years and 8 months in Idaho and in Oregon for the last 16 months of her employment with the company. Upon her resignation, her hourly wage was \$20 and she had 400 hours of paid vacation leave available. Natalie received 8 hours of paid vacation leave per month, her 400 hours of leave represents 50 months of work ($400/8=50$). Chocolate Inc paid a lump sum payment for her accumulated and accrued vacation leave balance of 400 hours— totaling \$8,000. Using the first-in-first-out method of allocation, the 400 hours in her leave balance when she terminated will be treated as having been earned in her most recent 50 months of employment; 34 months in Idaho (68%) and 16 months in Oregon (32%). Natalie will include in the Oregon column of her Oregon nonresident return all of her wages from Chocolate Inc for the year and \$2,560 ($\$8,000 \times 32\%$) of the lump sum payment.
Stat. Auth.: ORS 305.100
Stats. Implemented: ORS 316.127
Hist.: 1-69; 11-73; 12-19-75; 1-1-77; 12-31-81; 12-31-84, Renumbered from 150-316.127(1) to 150-316.127; 12-31-85; 12-31-87, Renumbered from 150-316.127 to 150-316.127(A); RD 7-1989, f. 12-18-89, cert. ef. 12-31-89; RD 12-1990, f. 12-20-90, cert. ef. 12-31-90; RD 7-1991, f. 12-30-91, cert. ef. 12-31-91; RD 9-1992, f. 12-29-92, cert. ef. 12-31-92; RD 5-1994, f. 12-15-94, cert. ef. 12-31-94; RD 3-1995, f. 12-29-95, cert. ef. 12-31-95; REV 7-1998, f. 11-13-98 cert. ef. 12-31-98; REV 12-2000, f. 12-29-00, cert. ef. 12-31-00; REV 1-2006, f. & cert. ef. 1-20-06; REV 4-2009, f. & cert. ef. 7-31-09; REV 1-2014, f. & cert. ef. 7-31-14

150-316.587(8)-(A)

Required Installments for Estimated Tax

(1) Definitions.

(a) "Required annual payment" means the total amount of required installment payments for the tax year.

(b) "Required installment payment" means the amount of the payment that is due for each of the four payment periods during the tax year.

(2) There are two steps to determine estimated tax payments. The first step is to determine the required annual payment, and the second step is to determine the amount of the required installment payments.

(3) Determination of required annual payment amount.

(a) The required annual payment is the lesser of:

(A) Ninety percent of the tax shown on the return for the taxable year (or, if no return is filed, ninety percent of the tax for such year); or

(B) One hundred percent of the tax shown on the prior year's return, if qualified. This is sometimes referred to as 'safe harbor.' To use the prior year's tax to determine the required annual payment, the prior year's return must be filed before the current year's return, and the prior tax year must consist of 12 months.

Example 1: Amanda's adjusted gross income on her 2012 return was \$30,000 and her Oregon tax liability after credits was \$2,000. Amanda's 2013 Oregon tax liability

after credits is \$2,800. Ninety percent of the 2013 tax after credits is \$2,520. She can use the prior year tax and pay 2013 estimated tax payments equal to 100 percent of her 2012 tax liability (\$500 on each installment due date).

(b) A part-year resident may use the prior year tax unless disqualified for a reason described in this section.

Example 2: Michael moved to Oregon from California on July 1, 2012 and filed as a part-year resident. His 2012 Oregon tax after credits was \$1,500. Even though his 2012 return shows 6 months of Oregon residency, his taxable year for 2012 was 12 full months. He qualifies to use safe harbor (prior year tax) to determine his required annual payment for 2013. This is less than 90 percent of his 2013 tax, so he will use that to determine his required annual payment. His required installment payments in 2013 are \$375 for each period (25% of \$1,500) for regular installment payments, or the applicable percentage if using the annualized income installment payments, in order to avoid interest on underpayment of estimated tax for 2013.

(c) Tax shown on the prior year's return does not include any payment received as a state surplus refund of personal income tax determined under ORS 291.349.

Example 3: Roberta had tax after credits of \$1,500 for 2006. She received a surplus refund check in November 2007 of \$309 based on her 2006 tax before credits. That payment is not taken into account in determining the tax shown on her 2006 return (prior year) when figuring her required annual payment for 2007. Her 2007 tax after credits is \$2,300, so she will use her prior year tax of \$1,500 as her required annual payment because it is the lesser amount.

(d) Use the amounts from the original return to determine the payments unless an amended return was filed before the due date, including extensions. In that case, use the amounts from the amended return to determine the required annual payment. Amended returns filed after the due date of the original return, including extensions, cannot be used to determine the required annual payment.

Example 4: Aliyah's original tax return showed a tax liability after all credits of \$1,400. Aliyah did not file an extension. In July, the return was amended and the tax liability after credits was \$1,200. Aliyah bases her required annual payment on the \$1,400 tax shown on the original return.

Example 5: Shaylee's original tax return was filed June 29, 2012 with an approved extension to October 15, 2012 showing a tax liability of \$1,975. On October 09, 2012 the return was amended and the tax liability was reduced to \$1,245. In 2013, if Shaylee chooses to use the prior year's tax, the required annual payment is based on the \$1,245 tax shown on the amended return filed within the extension period.

(e) Estimated tax payments are not required if the amount of the required annual payment minus Oregon tax withheld is less than \$1,000. For information about additional exceptions, see ORS 316.563 through 316.588, and OAR 150-316.573 through 150-316.587(5)(d).

Example 6: Brandon and Michelle are married and have three children. Brandon is self-employed. Michelle works part-time. They want to know if they are required to make estimated tax payments. Their estimated 2013 adjusted gross income is \$75,000, their estimated net itemized deductions are \$13,500 and they expect to have \$630 withheld from Michelle's wages. They need to calculate the amount of their required annual payment as follows: [Table not included. See ED, NOTE.]

Their 2013 required annual payment minus Oregon withholding is more than \$1,000. Brandon and Michelle are required to make estimated tax payments.

(4) Determination of the required installment payment amount.

(a) The required installment payment for each of the four tax periods is the lesser of the payment due under one of the following two methods for determining the amount of an installment payment:

(A) Regular Installment: The required installment payment for each period is 25 percent of the required annual payment.

(B) Annualized Income Installment: The required annualized income installment payment is the "applicable percentage" of the required annual payment for the taxable year minus the amount of any required installments paid for prior periods during the tax year. The applicable percentages are:

- (i) 22.5% for the first period;
- (ii) 45% for the first and second periods;
- (iii) 67.5% for the first, second and third periods; and
- (iv) 90% for the first through fourth periods.

(b) If the taxpayer shows that the annualized income installment for a period (as determined from the annualized income worksheet) is less than the regular installment for that period, the amount of the required installment payment for that period is the annualized income installment.

(c) If the annualized income installment method is used to determine a required installment payment, the difference between that amount and the amount that would have been due if the regular installment method had been used must be added to the required installment payment for the next succeeding period.

(d) Generally, credits based on income or deductions are figured on the annualized income or deductions for each period.

(e) Credits computed as a percentage of income must be based upon the annualized income for the period.

(f) Credits that use income as a basis for determining an applicable percentage or for otherwise limiting the allowable credit must be based upon the total annualized income before allocation to the installment period.

Example 7: Richard and Terrie are married with no dependents. They had adjusted gross income of \$14,000 for the period of January 1, 2013 to March 31, 2013. For the

ADMINISTRATIVE RULES

same period, they had itemized deductions of \$2,810. For the period of January 1, 2013 to May 31, 2013, they had adjusted gross income of \$27,000 and itemized deductions of \$4,300. For the period of January 1, 2013 to August 31, 2013, they had adjusted gross income of \$41,000 and itemized deductions of \$6,300. For the period January 1, 2013 to December 31, 2013, they had adjusted gross income of \$69,000 and itemized deductions of \$14,100. Their 2012 return showed tax after credits of \$3,155. For purposes of computing the required installment, the following computations are necessary: Actual income from January 1 to March 31 x 4. Actual income from January 1 to May 31 x 2.4. Actual income from January 1 to August 31 x 1.5. Actual income from January 1 to December 31 x 1.0. First Estimated Tax Payment. [Table not included. See ED. NOTE.]

(g) Pass-through entity (PTE) income may be annualized following the methodology provided under Internal Revenue Code (IRC) section 6654, Treasury Regulation section 1.6654-2 and all other related regulations and rules, if annualizing more accurately reflects the fluctuations in income to the shareholder from the entity. Solely for purposes of annualizing, the shareholder or partner may recognize the distributable share of income or loss from the PTE for the months in the PTE's taxable year ending within the taxable year of the shareholder or partner that precede the month in which the estimated tax installment is due.

Example 8: Ed's Catering, Inc. (ECI) is a calendar year S corporation that is in the catering business. ECI has limited business outside of the busy holiday party season. The majority of its business occurs in October, November, and December. In 2013, ECI's income was \$30,000 from January 1–March 31; \$25,000 from April 1–June 30; \$20,000 from July 1–September 30; and \$450,000 October 1 to December 31. An ECI shareholder who receives most of his or her income during the last quarter in ECI's tax year may choose to use the annualized income installment method for purposes of determining estimated tax payments.

Example 9: Wedding Planner's, Inc. (WPI), an S corporation, has a fiscal year ending July 31st. The majority of its business occurs in May, June, and July. In fiscal year beginning 2012, WPI's income was \$30,000 from August 1, 2012–October 31, 2012; \$25,000 from November 1, 2012–January 31, 2013; \$20,000 from February 1, 2013–April 30, 2013; and \$450,000 May 1, 2013 to July 31, 2013. The shareholder must include the income attributable to WPI as follows when determining the required installment for the shareholder's calendar year 2013 using the annual method:

The 1st required installment is based on PTE income/loss from August 1st of the prior year to March 31st. Date payment is due is April 15th. The 2nd required installment is based on PTE income/loss from August 1st of the prior year to May 31st. Date payment is due is June 15th. The 3rd required installment is based on PTE income/loss from August 1st of the prior year to July 31st. Date payment is due is September 15th. The 4th required installment would already include the entire amount from the PTE received in the tax year of the shareholder but should not increase the underpayment for the 4th quarter since it was fully included by the third payment.

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

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 316.587

Hist.: RD 11-1988, f. 12-19-88, cert. ef. 12-31-88; RD 7-1989, f. 12-18-89, cert. ef. 12-31-89; RD 5-1994, f. 12-15-94, cert. ef. 12-31-94; RD 3-1995, f. 12-29-95, cert. ef. 12-31-95; REV 9-1999, f. 12-30-99, cert. ef. 12-31-99; REV 8-2001, f. & cert. ef. 12-31-01; REV 3-2006, f. & cert. ef. 7-31-06; REV 6-2008, f. 8-29-08, cert. ef. 8-31-08; REV 16-2010, f. 12-17-10, cert. ef. 1-1-11; REV 1-2014, f. & cert. ef. 7-31-14

150-317.147

Lender's Credit for Agriculture Workforce Housing

(1) A credit is available to commercial lending institutions that make low interest loans to finance the construction or rehabilitation of agriculture workforce housing.

(2) Qualifications for the Tax Credit:

(a) The agriculture workforce housing must be located in Oregon.

(b) The interest rate charged by the lending institution cannot exceed 13.5 percent per annum. If the interest rate exceeds 13.5 percent for a short period of time, but the annual rate for the year is 13.5 percent or less, the credit would not be lost for that year. Each year will stand alone in determining whether the credit is available for the year.

(3) Computation of the Tax Credit:

(a) For loans made in tax years beginning on or after January 1, 2002, the credit is equal to 50 percent of the interest income earned. For loans made in tax years beginning on or after January 1, 1996, and before January 1, 2002, the credit is equal to 30 percent of the interest income earned. For loans made in tax years beginning before January 1, 1996, the credit is equal to 50 percent of the interest actually received by the commercial lending institution on loans certified by the borrower to finance the construction or rehabilitation of agriculture workforce housing. Construction includes acquisition of new or used prefabricated or manufactured housing. Interest that has been accrued but not actually received may not be included in computing the credit.

(b) Interest on loans to finance the acquisition of land and existing improvements on that land does not qualify for the credit. If a loan is made to cover the acquisition and construction or rehabilitation costs, only interest on the portion of the loan attributable to the construction and rehabilitation costs qualifies for the credit.

(c) Loan fees and other charges imposed and collected by the lending institution may not be included in the computation of the credit.

(d) The tax credit must be claimed over the term of the loan or 10 tax years, whichever is shorter.

(4) If a qualifying loan is transferred by the original lender to another commercial lending institution, the transferee may not claim a credit on the loan beyond the 10-year period that started with the tax year the loan was originally made. The transferee's credit must be computed in the same way and subject to the same limitations as the original lender's credit.

(5) If a qualifying loan is transferred by the original lender to another person, the transferor may retain the right to claim the credit if it also retains the responsibility for servicing the loan.

(6) For tax years beginning on or after January 1, 2002, a lending institution that is not subject to tax under ORS Chapter 317 may sell or otherwise transfer its allowable credit to a taxpayer that is subject to taxation under ORS Chapter 317. The transferee of the credit may claim the credit for the same tax years the transferor would have been allowed to claim the credit. The transferee and the transferor must attach to the return on which the credit is claimed by the transferee, a statement that includes the following information:

(a) The transferor's name, federal employer ID number (FEIN) and Oregon business identification number (BIN);

(b) The transferee's name, FEIN and BIN;

(c) The amount of the credit transferred;

(d) The amount of any proceeds received for the transfer; and

(e) Signatures of a corporate officer of the transferor and a corporate officer of the transferee.

(7) A single unit of housing can qualify as an agriculture workforce housing project.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 317.147

Hist.: RD 7-1989, f. 12-18-89, cert. ef. 12-31-89; RD 12-1990, f. 12-20-90, cert. ef. 12-31-90; RD 7-1991, f. 12-30-91, cert. ef. 12-31-91, Renumbered from 150-317.145(Note)-(C)-(2); RD 3-1995, f. 12-29-95, cert. ef. 12-31-95; REV 8-2001, f. & cert. ef. 12-31-01; REV 1-2014, f. & cert. ef. 7-31-14

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

Adm. Order No.: REV 2-2014

Filed with Sec. of State: 7-31-2014

Certified to be Effective: 7-31-14

Notice Publication Date: 6-1-2014

Rules Adopted: 150-305.100-(D), 150-305.145(5), 150-317.715(5), 150-323.106

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

Rules Ren. & Amend: 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)

Subject: 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

ADMINISTRATIVE RULES

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 distributor 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 — (503) 947-2082

150-305.100-(D)

Electronic Filing

(1) Any return, statement, other document or report required to be filed under any provision of the laws administered by the Department of Revenue may be filed in electronic (as defined in ORS chapter 84) form if an authorized electronic method of filing such return, statement, other document or report is made available by the department.

(2) A return, statement, other document or report that is filed in electronic form may not be denied legal effect or enforceability solely because it is in electronic form.

(3) A return, statement, other document or report that is filed in electronic form is deemed to be filed and received on the date actually received by the department, the IRS, or on the date stated in the electronic acknowledgment of receipt issued by the department.

(4) A return, statement, other document or report filed in electronic form must be verified pursuant to the rules of the department adopted under ORS 305.810.

Stat. Auth.: ORS 305.100
Stats. Implemented: ORS 84.052, 305.100
Hist.: REV 2-2014, f. & cert. ef. 7-31-14

150-305.145(5)

Discretionary Penalty Waivers for Information Returns

(1) An employer or other payer, or a representative authorized under ORS 305.230, may request that a penalty assessed under ORS 314.360(4)(a) or 316.202(5)(a) be waived. The department’s decision will be based upon the facts and circumstances in each case. To qualify for consideration of a waiver for penalties in this rule, the employer or other payer must:

- (a) Submit a written waiver request that explains the reason(s) for:
 - (A) Filing an information return or W-2 after the due date for that return, or
 - (B) Filing an incorrect or incomplete information return or W-2.
- (b) Meet all filing requirements under ORS 314.360 and 316.202.

(2) The waiver request must be received by the department within one year of the date of the department’s written notice of assessment of the penalty.

(3) Penalties assessed under ORS 314.360(4)(b) or 316.202(5)(b) are not eligible for waiver consideration.

(4) Where applicable, the department will consider waiving penalties under ORS 314.360(4)(a) or 316.202(5)(a) for circumstances beyond the control of an employer or other payer, as described in OAR 150-305.145(4)(5).

(5) One-time penalty waiver for information returns or W-2s. When an employer or other payer does not qualify for relief under any other sec-

tion of this rule, the department will consider waiver of the penalty under ORS 314.360(4)(a) or 316.202(5)(a) for one tax period if the employer or other payer has not already received relief under this section for any tax period; and

(a) The employer or other payer did not know they were subject to reporting requirements under ORS 314.360(4)(a) or 316.202(5)(a) for which the penalty was imposed; or

(b) The employer or other payer has a history of timely filing the type of return or form for which the penalty was imposed.

(6) The provisions of this rule apply to discretionary waiver requests received by the department after April 1, 2015.

Stat. Auth.: ORS 305.100, 305.145
Stats. Implemented: ORS 314.360, 316.202
Hist.: REV 2-2014, f. & cert. ef. 7-31-14

150-317.715(3)-(A)

Modified Federal Consolidated Taxable Income

Federal consolidated taxable income shall be modified if the affiliated group of corporations consists of more than one unitary group. The separate taxable income determined under the provisions set forth in the treasury regulations under Internal Revenue Code (IRC) Section 1502 attributable to an affiliated corporation, which does not belong to the unitary group of which the corporation subject to tax under this chapter is a member, shall be subtracted from federal consolidated taxable income.

Example: Corporations M, G and W file a consolidated federal return. Corporations M and W are engaged in a single unitary business. Corporation G’s business activities are separate and unrelated. Modified federal consolidated taxable income is computed by subtracting, from federal consolidated taxable income, Corporation G’s separate taxable income and by reversing the necessary adjustments pursuant to the provisions set forth in the treasury regulations under IRC Section 1502 attributable to Corporation G.

[Publications: Contact the Oregon Department of Revenue for information about how to obtain a copy of the publication referred to or incorporated by reference in this rule pursuant to ORS 183.360(2) and 183.355(1)(b).]

Stat. Auth.: ORS 305.100
Stats. Implemented: ORS 317.715
Hist.: RD 12-1985, f. 12-16-85, cert. ef. 12-31-85; RD 15-1987, f. 12-10-87, cert. ef. 12-31-87; RD 7-1991, f. 12-30-91, cert. ef. 12-31-91, Renumbered from 150-317.715(2); Renumbered from 150-317.715(2)-(A), REV 2-2014, f. & cert. ef. 7-31-14

150-317.715(3)-(B)

Modified Federal Consolidated Taxable Income — Contribution Deduction for the Oregon Consolidated Group

(1) In general. The contribution deduction allowed corporations subject to taxation under Oregon Revised Statutes (ORS) Chapter 317 or 318, that file federal consolidated returns, is limited to the lesser of:

- (a) The contributions made by the members of the unitary group; or
- (b) 10 percent of the modified federal consolidated taxable income of the members of the unitary group.

Example 1: Corporation A files a consolidated federal return for tax year 2010. A’s federal return consists of two unitary groups of corporations, one of which is required to file an Oregon return. Corporation B is a member of the unitary group of corporations required to file a 2010 Oregon return. B contributed \$1,000,000 to charities. No other corporation included in A’s consolidated federal return made contributions in 2010. For tax year 2010, A has federal consolidated taxable income of \$20,000,000 before any contribution deduction. The unitary group required to file the Oregon return has modified federal consolidated taxable income of \$500,000 before any contribution deduction.

Under Treasury Regulations adopted under section 1502 of the Internal Revenue Code (IRC), A is allowed to claim a contribution deduction of \$1,000,000 (the lesser of the amount paid by all members of the federal consolidated group or 10 percent of the federal consolidated taxable income of the entire group before the contribution deduction). For Oregon purposes, however, the unitary group is allowed a contribution deduction of \$50,000 (the lesser of the \$1,000,000 paid by members of the unitary group or 10 percent of the \$500,000 modified federal consolidated taxable income before the contribution deduction).

Example 2: Assume the same facts as in Example 1 except that the unitary group required to file an Oregon return has modified federal consolidated net loss of \$100,000. This unitary group has no allowable contribution deduction even though A will be permitted to deduct the entire contribution on its 2010 consolidated federal return.

Example 3: Assume the same facts as in Example 1 except that no member of the unitary group required to file an Oregon return made any contribution and members of the nonunitary group made the \$1,000,000 contribution. For federal purposes, the consolidated group is permitted to claim a deduction for the contributions made by any member of the group. However, for Oregon purposes, no deduction is allowed.

(2) Carryover of excess contributions.

(a) Any contribution not used in the tax year is carried over to the next tax year. In no case shall a contribution be carried over for more than five succeeding tax years. Any contribution not used is lost.

(b) Contribution carryovers for any consolidated return tax year shall consist of any excess contributions of the unitary group, plus any excess contributions of members of the group arising in separate return tax years of such members and which may be carried over to the taxable year pursuant to the principles of IRC section 170. However, such consolidated contribution carryovers shall not include any excess contributions apportioned

ADMINISTRATIVE RULES

to a corporation for a separate return tax year pursuant to Treasury Regulations adopted under section 1502 of the IRC.

Example 4: Assume the same facts as in Example 1 except that the unitary group has modified federal consolidated taxable income of \$5,000. The allowable contribution deduction is limited to \$500 (the lesser of the \$1,000,000 contributed or 10 percent of the group's \$5,000 modified federal consolidated taxable income). The unitary group is allowed to carry over \$999,500 to the group's next tax year, 2011. None of the amount may be carried over beyond tax year 2015 (five years from the tax year in which the amount was contributed).

Example 5: Assume the same facts as in Example 4 except that in tax year 2010 A acquired Corporation C. C will be included in A's 2011 consolidated federal return and is unitary with the group required to file an Oregon return. In 2010, C had a contribution carryover of \$200,000. Its income and deductions were used in computing the unitary group's 2011 Oregon consolidated taxable income. Since C is unitary with the group required to file an Oregon return, the unitary group's carryover for tax year 2011 is \$1,199,500 (\$999,500 plus \$200,000).

(c) Excess contribution carryovers are applied to a given tax year in the same manner as provided under IRC sections 170 and 381 as they apply to the unitary group required to file an Oregon return.

[Publications: Contact the Oregon Department of Revenue for information about how to obtain a copy of the publication referred to or incorporated by reference in this rule pursuant to ORS 183.360(2) and ORS 183.355(1)(b).]

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 317.715

Hist.: RD 11-1988, f. 12-19-88, cert. ef. 12-31-88; RD 7-1993, f. 12-30-93, cert. ef. 12-31-93; Renumbered from 150-317.715(2)-(B), REV 2-2014, f. & cert. ef. 7-31-14

150-317.715(4)(b)

Oregon Return: Apportionment Formula

(1) Each member of an affiliated group of corporations must be treated as a separate corporation for purposes of determining whether it is subject to the tax jurisdiction of Oregon. A corporation is subject to the tax jurisdiction of Oregon if it is "doing business" in Oregon as defined under ORS 317.010(4) or has income from Oregon sources taxable under 318.020.

(2) In applying the apportionment provisions of ORS 314.280 or 314.605 to 314.667, each corporation subject to the tax jurisdiction of Oregon must be considered separately.

Example: Corporations A, B and C are members of the same unitary group and file a consolidated federal return. Corporation C is "doing business" in Oregon as defined under ORS 317.010(4) while Corporations A and B have no activities in Oregon. Since Corporation C is the only member of the affiliated group subject to the tax jurisdiction of Oregon, the Oregon amounts included in the numerator of the apportionment formula are determined by applying the provisions of 314.605 to 314.667 to the business activities of Corporation C. The denominator of the apportionment formula will include the everywhere amounts for Corporations A, B and C as determined by applying the provisions of 314.655 to 314.667. See OAR 150-314.665(6) and 150-314.665(6)(a) for an explanation regarding how ORS 317.715(3) and this rule work with the "primary business activity" provisions of 314.665(6).

(3) The factors included in the apportionment formula of an Oregon return must be computed by eliminating transactions between members of the affiliated group filing the Oregon return. See OAR 150-314.650(9) regarding transactions between members of an affiliated group filing an Oregon return and related pass-through entities such as partnerships and S corporations owned by other members of that affiliated group.

(4) For purposes of subsection (3) of this rule, "members of the affiliated group filing the Oregon return" includes any corporation that is a member of the unitary group and that is incorporated in a foreign jurisdiction listed in subsection (2)(b) of ORS 317.715.

Example: Corporations A, B and C are members of the same unitary group and file a consolidated federal return. Corporation C is "doing business" in Oregon as defined under ORS 317.010(4) while Corporations A and B have no activities in Oregon. Corporation D is a member of the unitary group and is incorporated in a foreign jurisdiction listed in subsection (2)(b) of ORS 317.715. The factors included in the apportionment formula of the Oregon return must be computed by eliminating transactions between Corporations A, B, C and D.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 317.715

Hist.: RD 12-1985, f. 12-16-85, cert. ef. 12-31-85; RD 10-1986, f. & cert. ef. 12-31-86; REV 1-2001, f. 7-31-01, cert. ef. 8-1-01; REV 11-2004, f. 12-29-04, cert. ef. 12-31-04; Renumbered from 150-317.715(3)-(b), REV 2-2014, f. & cert. ef. 7-31-14

150-305.810

Verification of Returns, Statements, or Documents Filed Under Tax Law

(1) The declaration under ORS 305.810 that a return, statement, other document or report is made under penalties for false swearing and is true, complete, and correct must be verified by the taxpayer, an authorized agent, or declarant, and in the case of a joint personal income tax return, by each taxpayer or authorized agent for such taxpayer.

(2) Returns, statements, other documents and reports are verified by:

(a) Hand signing the return, statement, other document or report.

(b) An electronic signature (as defined in ORS chapter 84) associated with an electronically filed return, statement, other document or report, by the taxpayer, tax preparer, authorized representative of the taxpayer, or declarant.

(c) Any verification method allowed by the IRS when electronically filing the federal return with the Oregon return, such as a federal personal identification number.

(d) A hand signed statement, such as Oregon Form EF, submitted to the department if requested.

(e) A hand signed and scanned Corporation E-file Signature Form included with the electronically filed corporate income and excise tax return for tax year 2011 and earlier, without the use of a federal signature method or when the Oregon filer is different than the federal filer.

(f) Transmitting a payroll tax return using the state's online payroll reporting method. The return is considered signed when the return is transmitted to the state by a person certified by the employer and the Oregon Employment Department as allowed to file the return using the state's reporting system.

Stat. Auth.: ORS 305.100 & 305.810

Stats. Implemented: ORS 305.810

Hist.: REV 1-2005, f. 6-27-05, cert. ef. 6-30-05; REV 1-2012(Temp), f. 1-31-12, cert. ef. 2-1-12 thru 7-29-12; REV 4-2012, f. 7-20-12, cert. ef. 8-1-12; REV 6-2013, f. & cert. ef. 12-26-13; REV 2-2014, f. & cert. ef. 7-31-14

150-314.360

Information Returns

(1) Definition. As used in this rule:

(a) "Information return," as used in ORS 314.360(4) and sections (7) and (8) of this rule, means a federal form W-2 or 1099.

(b) "Payer" means any person required to issue a 1099-MISC, 1099-G, 1099-R, or a W-2G.

(2) In general, taxpayers are not required to file information returns as described in ORS 314.360 except as provided in this rule.

(3) Any person that issues more than 10 information returns, where the recipient, winner, or the payer has an Oregon address, is required to file the information returns electronically with the department and using federal due dates. For purposes of this rule, information returns required to be filed electronically include:

(a) 1099-MISC Miscellaneous Income;

(b) 1099-G Certain Government Payments;

(c) 1099-R Distributions from Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, etc.

(d) W-2G Certain Gambling Winnings.

(4) For information regarding the reporting requirements of salaries and wages, see ORS 316.202 and related rules.

(5) The department may grant an exception to this filing requirement in section (3) upon a showing of undue hardship. Undue hardship is based on the facts and circumstances specific to each payer and determined on a case-by-case basis.

(6) In addition to any other filing requirement in this rule, the department may require the filing of any type of information return as it deems necessary. If requested under this section, an information return must be provided within 30 days of the date of the department's written request to be considered timely under ORS 305.217.

(7) Penalties. The department will assess penalties, as described in ORS 314.360(4), if a payer fails to file an information return with the department by the due date as required under section (3) of this rule or files an incorrect or incomplete information return.

(a) An information return is incorrect or incomplete if one or more of the following circumstances exist:

(A) Identifying employee information is missing from the information return, such as first or last name or social security number.

(B) The information return contains an incorrect statement of state income tax withheld, federal income, or state income amounts. Obvious math or clerical errors are not considered an incorrect statement for this purpose.

(C) Other information is incorrect or missing on the information return.

(b) A payer knowingly fails to file an information return by the due date if the information return was not received by the department on or before the due date of the corresponding federal return for the tax year under consideration, and

(A) The payer has failed to file an information return for two consecutive years prior to the due date of the information return required for the second consecutive year.

ADMINISTRATIVE RULES

(B) The payer has been assessed the penalty under ORS 314.360(4) for one or more filing periods preceding the period at issue.

(C) The payer fails to file the information return upon written request to file the information return by the department.

(D) The department determines that the facts and circumstances in the particular case warrant penalty assessment.

(c) A payer knowingly files an incomplete, false or misleading information return if:

(A) A pattern of conduct exists by the payer of repeatedly filing incorrect information returns.

(B) The payer failed to correct the information return upon discovering incorrect information.

(C) The payer corrected the information return only upon written request to correct the information return by the department.

(D) The amount of the potential information return penalty is less than the cost of complying with the requirement to include correct information on the information return.

(E) The department determines that the facts and circumstances in the particular case warrant penalty assessment.

(8) If the payer fails to produce documentation to support the information return, as requested by the department, the department will use the best information available to determine the appropriate penalty assessment amount.

Stat. Auth.: ORS 305.100 & 314.360

Stats. Implemented: ORS 314.360

Hist.: 1958-59; 12-70; 12-19-75; RD 10-1986, f. & cert. ef. 12-31-86; RD 15-1987, f. 12-10-87, cert. ef. 12-31-87; RD 11-1988, f. 12-19-88, cert. ef. 12-31-88, Renumbered to 150-314.360?; RD 7-1989, f. 12-18-89, cert. ef. 12-31-89; RD 12-1990, f. 12-20-90, cert. ef. 12-31-90; RD 7-1993, f. 12-30-93, cert. ef. 12-31-93; RD 5-1994, f. 12-15-94, cert. ef. 12-31-94; REV 8-2010, f. 7-23-10, cert. ef. 7-31-10; REV 4-2011, f. 12-30-11, cert. ef. 1-1-12; REV 2-2014, f. & cert. ef. 7-31-14

150-316.202(3)

Withholding: Annual Report by Employer

(1) Definitions. As used in this rule:

(a) "Employer" has the meaning given that term in ORS 316.162 and also includes lenders, sureties and other persons subject to withholding and reporting requirements under ORS 316.169.

(b) "Payer" has the meaning given that term in ORS 316.189(1)(g).

(c) "Payroll service provider" is any person that prepares payroll tax returns on behalf of another person for remuneration.

(d) "W-2" means the federal form W-2 required to be filed under 26 USC § 6051.

(2) Withholding Statements.

(a) Every employer or other payer must complete an individual withholding statement for each employee. The Oregon withholding statement must contain the same information as is required to be reported on a federal withholding statement including:

(A) Total state and local wages;

(B) State and local tax withheld during the calendar year; and

(C) The Oregon business identification number of the employer.

(b) The employer must use a federal withholding statement (W-2) for purposes of section (2) of this rule. If the employer or other payer is withholding from certain periodic payments as described in ORS 316.189, the employer or payer must use federal Form 1099-R for purposes of section (2) of this rule.

(c) The employer must provide a copy of the withholding statement to the employee within thirty-one days of the close of the calendar year. If an employee is terminated and requests a copy of the withholding statement, the employer must provide the form to the employee within 30 days of either the request or the final wage payment, whichever is later.

(d) The information in the withholding statement (W-2) must be filed electronically with the department.

(e) Under ORS 314.385, the due date for electronic filing of W-2s for Oregon purposes is the same as the federal due date for electronically filed W-2s; March 31 following the close of the calendar year.

(3) Reconciliation Reports (Form WR).

(a) Every employer must file a summary of total compensation paid and Oregon tax withheld for each employee. This report must include a reconciliation of tax remitted to the department by the employer for the calendar year to the total of tax withheld from employees' pay for the calendar year.

(b) If the reconciliation report is not filed within 30 days of the department's notice to the employer of a failure to file, a \$100 failure-to-file penalty applies.

(c) If there is a difference between the amount paid to the department by the employer and the amount withheld by the employer from the employees' wages, the employer must explain the difference on the report.

(d) The report due date is the same as the due date of the corresponding federal report. If the employer ceases doing business, the report is due within 30 days of termination of business.

(4) Penalties. The department will assess penalties, as described in ORS 316.202(5), if an employer or other payer fails to file W-2s by the due date as required under section (2)(e) of this rule or the employer or other payer files incorrect or incomplete W-2s.

(a) A W-2 is incorrect or incomplete if one or more of the following occur:

(A) Identifying employee information is missing, such as the first or last name or social security number.

(B) The W-2 contains an incorrect statement of state income tax withheld, federal income, or state income amounts. Obvious math or clerical errors are not considered an incorrect statement for this purpose.

(C) Other information is missing or incorrect on the W-2.

(b) An employer or other payer knowingly fails to file a W-2 by the due date if the W-2 was not received by the department on or before the due date of the corresponding federal form W-2 for the tax year under consideration, and

(A) The employer or other payer has failed to file the W-2 for two consecutive years prior to the due date required for the second consecutive year.

(B) The employer or other payer has been assessed the penalty under ORS 316.202(5)(a) for one or more filing periods preceding the period at issue.

(C) The employer or other payer fails to file the W-2 upon written request to file by the department.

(D) The department determines that the facts and circumstances in the particular case warrant penalty assessment.

(c) An employer or other payer knowingly files an incomplete, false or misleading W-2 if:

(A) The employer or other payer has a pattern of repeatedly filing incorrect W-2s.

(B) The employer or other payer failed to correct the W-2 upon discovering incorrect information.

(C) The employer or other payer issued a corrected W-2 upon written request of the department.

(D) The amount of the potential penalty is less than the cost of complying with the requirement to include correct information on the W-2.

(E) The department determines that the facts and circumstances in the particular case warrant penalty assessment.

(5) If the employer or other payer fails to produce documentation to support the information on the W-2 or the number of W-2s required to be filed, the department will use the best information available to determine the appropriate penalty assessment amount.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 316.202

Hist.: 1-69 as 150-316.202(2); 11-73; 12-74; 12-19-75, Renumbered; RD 10-1983, f. 12-20-83, cert. ef. 12-31-83; RD 10-1984, f. 12-5-84, cert. ef. 12-31-84; RD 13-1987, f. 12-18-87, cert. ef. 12-31-87; RD 7-1992, f. & cert. ef. 12-29-92; RD 5-1993, f. 12-30-93, cert. ef. 12-31-93, Renumbered from 150-316.202(2)-(B); RD 7-1994, f. 12-15-94, cert. ef. 12-30-94; REV 7-1999, f. 12-1-99, cert. ef. 12-31-99; REV 16-2008, f. 12-26-08, cert. ef. 1-1-09; REV 2-2014, f. & cert. ef. 7-31-14

150-314.655(1)-(A)

Sales Factor; In General

(1) Subsection (7) of ORS 314.610 defines the term "sales" to mean all gross receipts of the taxpayer not allocated under ORS 314.615 to 314.645. Thus, for the purposes of the sales factor of the apportionment formula for each trade or business of the taxpayer, the term "sales" means all gross receipts derived by a taxpayer from transactions and activity in the regular course of such trade or business. See OAR 150-314.665(6) regarding inclusion of income from the disposition of intangible assets in the sales factor. The following are rules for determining "sales" in various situations:

(a) In the case of a taxpayer engaged in manufacturing and selling or purchasing and reselling goods or products, "sales" includes all gross receipts from the sales of such goods or products (or other property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the tax period) held by the taxpayer primarily for sale to customers in the ordinary course of its trade or business. Gross receipts for this purpose means gross sales, less returns and allowances and includes all interest income, service charges, carrying charges, or time-price differential charges incidental to such sales. Federal and state excise taxes (excluding sales taxes) will be included as part of such receipts if such

ADMINISTRATIVE RULES

taxes are passed on to or collected from the buyer or included as part of the selling price of the product.

(b) In the case of cost plus fixed fee contracts, such as the operation of a government-owned plant for a fee, "sales" includes the entire reimbursed cost, plus the fee.

(c) In the case of a taxpayer engaged in providing services, such as the operation of an advertising agency, or the performance of equipment service contracts, research and development contracts, "sales" includes the gross receipts from the performance of such services including fees, commissions, and similar items.

(d) In the case of a taxpayer engaged in renting real or tangible property, "sales" includes the gross receipts from the rental, lease, or licensing the use of the property.

(e) In the case of a taxpayer engaged in the sale, assignment, or licensing of intangible personal property such as patents and copyrights, "sales" includes the gross receipts therefrom.

(f) If a taxpayer derives receipts from the sale of equipment used in its business, such receipts constitute "sales." For example, a truck express company owns a fleet of trucks and sells its trucks under a regular replacement program. The gross receipts from the sales of the trucks are included in the sales factor.

(g) If a taxpayer derives income from the operations of casinos, "gross drop" rather than "net drop" will be used in computing the gross receipts factor. "Gross drop" is computed as follows:

(A) **Keno.** Gross drop is the cumulative total cash paid in at the keno windows determined by totaling the amounts set forth on the customer's tickets.

(B) **Slots.** Gross drop is the cumulative total of all coins removed from the machines, plus jackpots paid less the coins previously added to the machines.

(C) **Table games.** Gross drop is the cumulative total of all cash funds and credit slips dropped in the cash boxes. When the cash method is used, only credit slips relating to chips removed from the tables should be considered.

(2)(a) Where substantial amounts of gross receipts arise from an incidental or occasional sale of a fixed asset used in the regular course of the taxpayer's trade or business, such gross receipts will be excluded from the sales factor. For example, gross receipts from the sale of a factory or plant will be excluded.

(b) Insubstantial amounts of gross receipts arising from incidental or occasional transactions or activities may be excluded from the sales factor unless such exclusion would materially affect the amount of income apportioned to this state. For example, the taxpayer ordinarily may include or exclude from the sales factor gross receipts from such transactions as the sale of office furniture, business automobiles, etc.

(c) Under the authority provided in ORS 314.667, for tax years beginning on or after January 1, 2014, the treatment prescribed in paragraphs (a) and (b) of this section for an incidental or occasional sale of a fixed asset used in the regular course of the taxpayer's trade or business applies to any intangible assets associated with that sale including, but not limited to, goodwill.

(3) In filing returns with this state, if the taxpayer departs from or modifies the basis for excluding or including gross receipts in the sales factor used in returns for prior years, the taxpayer will disclose in the return for the current year the nature and extent of the modification.

(4) If the returns or reports filed by the taxpayer with all states to which the taxpayer reports under Article IV of the Multistate Tax Compact or the Uniform Division of Income for Tax Purposes Act are not uniform in the inclusion or exclusion of gross receipts, the taxpayer will disclose in its return to this state the nature and extent of the variance.

(5) The denominator of the sales factor will include the total gross receipts derived by the taxpayer from transactions and activity in the regular course of its trade or business.

(6) **Gross premium receipts.** Gross premium receipts are all receipts paid in by the subscribers to the various coverages offered by the company, and are assigned to the state of the domicile of the subscriber. In the case of a group policy, the assignment is to the state of the domicile of the employer-agent who collects and remits the premiums to the company.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 314.665 & 314.667

Hist.: 12-70; 8-73; REV 2-2014, f. & cert. ef. 7-31-14

150-317.314

Taxes on Net Income or Profits Imposed by any State or Foreign Country

For purposes of ORS 317.314, "net income" is income subject to taxation after allowable deductions and exemptions have been subtracted from gross or total income. This rule shall apply to all taxable years which are open to examination.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 317.314

Hist.: RD 12-1984, f. 12-5-84, cert. ef. 12-31-84; RD 11-1988, f. 12-19-88, cert. ef. 12-31-88; REV 2-2014, f. & cert. ef. 7-31-14

150-317.715(5)

Member of a Unitary Group Incorporated in a Listed Foreign Jurisdiction

The following provisions are intended as guidance for any corporation doing business in this state that is part of a unitary group that includes a member incorporated in a foreign jurisdiction listed in subsection (2)(b) of ORS 317.715.

(1) To determine the computation of income (or loss) for a unitary corporation that is incorporated in a listed foreign jurisdiction and that is not otherwise required to file a consolidated federal return, use the foreign corporation's net income (or loss) as reported on line 18, Schedule C of federal Form 5471.

(2) Unless specifically prescribed by other law, the income of the foreign corporation is not to be double taxed by this state. If any portion of the foreign corporation's income that is added to federal taxable income pursuant to subsection (2)(a) of ORS 317.715 was already included in the taxpayer's Oregon taxable income, the taxpayer is allowed a subtraction for the portion of the income that previously was included in Oregon taxable income. The taxpayer must attach a schedule to the return and explain how the income was previously included in Oregon taxable income and how the subtraction amount was determined.

(3) Unless specifically prescribed by other law, items of expense or loss of the foreign corporation are not to be double deducted by the taxpayer. If any portion of the foreign corporation's loss or expense that is required to be included in the determination of federal taxable income pursuant to subsection (2)(a) of ORS 317.715 was already included in the computation of the taxpayer's Oregon taxable income, the taxpayer must reduce the loss or expense by the amount previously included in the computation of Oregon taxable income. The taxpayer must attach a schedule to the return and explain how the loss was previously included in the computation of Oregon taxable income and how the reduction amount was determined.

[Publications: Contact the Oregon Department of Revenue for information about how to obtain a copy of the publication referred to or incorporated by reference in this rule pursuant to 183.360(2) and 183.355(1)(b).]

Stat. Auth.: ORS 305.100, 317.715

Stats. Implemented: ORS 317.715

Hist.: REV 2-2014, f. & cert. ef. 7-31-14

150-323.105

When Distributor's License Required

A distributor's license is required for each place of business at which a person engages in the distribution of cigarettes as defined in ORS 323.015(2). A distributor's license is required for any person distributing cigarettes in Oregon, including:

(1) Every cigarette manufacturer selling cigarettes in this state to persons other than licensed distributors;

(2) Every person who imports cigarettes into this state for sale;

(3) Every person who obtains untaxed cigarettes from a cigarette manufacturer for resale; and

(4) Common carriers engaged in interstate or foreign passenger service who sell cigarettes on their facilities in Oregon, and persons authorized to sell cigarettes on the facilities of such common carriers. For the purpose of this rule "facilities of a common carrier" are limited to the mobile equipment of the carrier used for the transportation of passengers.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 323.105

Hist.: 6-66; 9-71; TC 9-1980, f. 11-28-80, cert. ef. 12-31-80; REV 6-2004, f. 7-30-04, cert. ef. 7-31-04; REV 2-2014, f. & cert. ef. 7-31-14

150-323.106

Certification Applicant Will Comply with Requirements

(1) A person who files an application for a distributor's license under ORS 323.105 must include with the application a written statement certifying that the person will comply with 180.435 and 180.440 pertaining to cigarettes of certain nonparticipating manufacturers.

(2) Cigarette distributor license applications are certified under ORS 323.106 by:

ADMINISTRATIVE RULES

- (a) Hand signing the application.
 - (b) An electronic signature (as defined in ORS Chapter 84) associated with an application filed in electronic (as defined in ORS Chapter 84) form and successfully transmitted to the department, by the applicant.
- Stat. Auth.: ORS 305.100
Stats. Implemented: ORS 323.106
Hist.: REV 2-2014, f. & cert. ef. 7-31-14

150-323.520

When Tobacco Product Distributor's License Required

A distributor's license is required for each place of business at which a person engages in the distribution of tobacco products as defined in ORS 323.500. A tobacco product distributor's license is required for any person distributing tobacco products in Oregon, including:

- (1) Bringing or causing to be brought, into this state, tobacco products for sale, storage, use or consumption;
 - (2) Making, manufacturing, or fabricating tobacco products in this state for sale, storage, use or consumption in this state;
 - (3) Shipping or transporting tobacco products to retail dealers in this state, to be sold, stored, used or consumed by those retail dealers in this state;
 - (4) Storing untaxed tobacco products in this state that are intended to be for sale, use or consumption in this state; or
 - (5) Selling untaxed tobacco products in this state.
- (6) A person who files an application for a distributor's license under ORS 323.520 must include with the application a written statement certifying that the person will comply with ORS 180.483 and 180.486 pertaining to tobacco of certain nonparticipating manufacturers.
- (7) Tobacco distributor license applications are certified under ORS 323.520 by:

- (a) Hand signing the application.
 - (b) An electronic signature (as defined in ORS chapter 84) associated with an application filed in electronic (as defined in ORS chapter 84) form and successfully transmitted to the department, by the applicant.
- Stat. Auth.: ORS 305.100
Stats. Implemented: ORS 323.520
Hist.: RD 6-1985, f. 12-26-85, cert. ef. 12-31-85; REV 6-2004, f. 7-30-04, cert. ef. 7-31-04; REV 2-2014, f. & cert. ef. 7-31-14

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

Adm. Order No.: REV 3-2014

Filed with Sec. of State: 7-31-2014

Certified to be Effective: 7-31-14

Notice Publication Date: 6-1-2014

Rules Adopted: 150-308A.056(1)(g)

Rules Amended: 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, 150-311.691

Rules Repealed: 150-294.352(1)-(B), 150-308.515(1)(h), 150-311.686(2)

Subject: 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 to recent law changes for property under a government to government lease.

150-307.175 — conforms to 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.

150-311.686(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 — (503) 947-2082

150-294.456(3)

Manner of Appropriations

(1)(a) Except as otherwise permitted or required by statute or rule, amounts must be appropriated by organizational unit or program of each fund, with one appropriation amount for each organizational unit or program.

(b) Notwithstanding section (1)(a), municipal corporations may appropriate a separate amounts for an activity within an organizational unit or program as long as the organizational unit or program to which the separately appropriated amount is allocated is also clearly identified.

(2) Separate amounts in each fund must be appropriated for any operating expenses for personnel services, materials and services, or capital outlay that cannot be allocated to a specific organizational unit or program and for debt service, special payments, interfund revenue transfers, and operating contingencies.

(3) If a municipal corporation is permitted by statute to estimate expenditures in a manner other than by organizational unit or program under ORS 294.388(2) and no other statute or rule prescribes the manner for appropriation of such expenditures, then it must appropriate by personnel services, materials and services, capital outlay, debt service, special payments, interfund revenue transfers, and operating contingencies for each fund.

(4) When adopting a biennial budget the appropriated amount is the total for the fund for both years of the ensuing budget period.

(5) When adopting an annual budget the appropriated amount is the total for the ensuing fiscal year.

Stat. Auth.: ORS 305.100
Stats. Implemented: ORS 294.456

Hist.: 12-31-77; TC 10-1978, f. 12-5-78, cert. ef. 12-31-78, Renumbered from 150-294.435; TC 18-1979, f. 12-20-79, cert. ef. 12-31-79; REV 2-2002, f. 6-26-02, cert. ef. 6-30-02; Renumbered from 150-294.435(3), REV 7-2012, f. 7-26-12, cert. ef. 8-1-12; REV 3-2014, f. & cert. ef. 7-31-14

150-306.132

Oregon Land Information System Fund and the Oregon Map Project

(1) Definitions. For the purpose of this rule:

(a) "County" is the agency, approved by the County Assessor, requesting funds from the Oregon Map Project (ORMAP).

(b) "Department" means the Oregon Department of Revenue.

(c) "Director" means the director of the Oregon Department of Revenue.

(d) "Fund" means the Oregon Land Information System (OLIS) Fund. The fund provides financial support for ORMAP. The fund is separate from the state's General Fund. The fund's source is an allocated dollar amount received quarterly from each county's collected document-recording fees, as provided by ORS 205.323(3)(a).

(e) "Grant" means a money award from the OLIS Fund.

(f) "Oregon Map Project" (ORMAP) means the program implemented and authorized by the department to establish a statewide base map for facilitating and improving Oregon's property tax mapping system and for providing other Geographic Information System (GIS) benefits, pursuant to ORS 306.132 and 306.135.

(g) "ORMAP Project Coordinator" is the department employee tasked with administering the ORMAP project.

(h) "Oregon Land Information System Advisory Committee" (Advisory Committee) is a team of individuals appointed by the department's director. The committee is comprised of ORMAP stakeholders in private industry, and in federal, state, or local government who have an interest in the success of the program (OAR 150-306.135).

(i) "ORMAP Funding Criteria" (Funding Criteria) are listed in the document used for the administrative review, technical review, and priority scoring for grant applications. The criteria is part of the grant application and on the ORMAP web site (www.ormap.net).

(j) "ORMAP Goals" are the project goals approved by the advisory committee. The goals are identified on the ORMAP web site.

ADMINISTRATIVE RULES

(k) "ORMAP Policies" are administrative policies approved by the advisory committee. The policies are identified on the ORMAP web site.

(l) "ORMAP Technical Group" (Tech Group) is comprised of volunteers who have education or experience in surveying, cadastral cartography, legal descriptions, mapping software, database software, or other GIS technology. The group evaluates and provides recommendations on individual county project grant applications and ORMAP policies to the department and the advisory committee.

(m) "ORMAP Technical Specifications" (Tech Specs) is a minimum standard used to determine if taxlots and tax maps remapped with ORMAP funds have been completed and meet ORMAP goals.

(n) "ORMAP Tools Group" (Tools Group) is comprised of volunteers who have education or experience in surveying, cadastral cartography, legal descriptions, mapping software, database software, or other GIS technology. This group develops and provides support for map editing tools used in the construction of Oregon assessor's maps.

(o) "Project" means a mapping activity that is eligible for a grant from the fund.

(2) The department administers the fund to fulfill the ORMAP goals. The department adopts priorities for funding specific projects, goals, or geographic areas in support of ORMAP. The grant is intended to assist the counties in the development of a statewide base map system. The department makes the following disbursements from the fund:

(a) Quarterly payments for ORMAP administrative costs to the department. Administrative costs include but are not limited to, personnel, equipment, and other services and supplies required in completing the ORMAP goals.

(b) Tools group funding. The tools group is eligible for funding at 3 percent of the total annual available funds, up to \$25,000 per year.

(c) Grants to the counties. Counties are eligible for grants to support eligible ORMAP projects and for the purchase of approved equipment or software.

(3) Counties applying for a grant to fund an ORMAP project must complete an ORMAP Grant Application; Form No. 150-304-101-9. The application is available upon request to the department or on the ORMAP web site.

(a) Completed project grant applications must be submitted to the department's ORMAP Project Coordinator no later than the due date for that funding cycle, which is posted on the ORMAP web site. The department accepts grant applications for the purchase of approved equipment or software at any time.

(b) A county's grant request must adhere to the ORMAP goals, tech specs, and the county's business plan for achieving ORMAP goals.

(c) A county that submits a grant application must have a representative available during the tech group meeting to respond to questions related to the application.

(d) If requested by the department, a county must provide a reduction package by completing the Alternative Funding Request form developed by the department and attached to the grant application. The county must describe the modified deliverable in the event full funding is not possible.

(4) The ORMAP Project Coordinator reviews applications using the current version of the ORMAP policies and the funding criteria's section titled, Administrative Review Criteria.

(a) Administrative review criteria are all pass/fail and include:

(A) The county maintains a current online ORMAP business plan and provides the department with a status map of the county's ORMAP project phases,

(B) The county has no more than two outstanding ORMAP grant contracts,

(C) The county agrees to share data with the department for its internal use,

(D) The county has proposed a project directed at meeting one of the ORMAP goals,

(E) The county has provided the department with the most current calendar year's countywide cadastral data, which meets the Cadastral Data Exchange Standard,

(F) At the department's discretion, the county provides an alternative funding request for the grant application outlining funding reductions of varying percentages defined by the department, and

(G) Final remapping grant application. If a county grant application proposes to bring the entire county to meeting ORMAP Goal 6 (100% of county tax maps meeting the technical specifications) and the application meets other criteria for approval, it may receive priority for a one-time full funding to the 20% funding limitation for that funding cycle. If more than one county submits a final remapping grant request for a funding cycle, the

tech group and advisory committee may review final grant applications and make recommendations for prioritizing and funding final remapping grant requests.

(b) The ORMAP Project Coordinator will notify the county applicant if any of the criteria are not met. The applicant may resubmit an amended grant application prior to the grant cycle deadline.

(c) An application that does not pass all the department's administrative review criteria referenced in section (4) of this rule will be denied.

(d) Applications for approved equipment and software may be awarded at the discretion of the department without review by the tech group. A list of approved equipment and software is attached to the grant application form.

(5) A project grant request that passes the department's administrative review process will be submitted to the tech group for review at its first scheduled meeting for that funding cycle. Each grant application will be reviewed using the current version of the funding criteria section titled, Technical Review Criteria.

(a) Technical review criteria are pass/fail and include:

(A) The project demonstrates a successful process,

(B) The project has a completion time frame that does not exceed one year, and

(C) The project has reasonable and measurable deliverables.

(b) If additional information is requested by the tech group, the county must submit a written addendum to the ORMAP Project Coordinator by the date specified.

(c) The tech group may review any information submitted at its next scheduled meeting. The department will determine if more meetings are required to complete the application review process.

(6) The department will determine if there are sufficient funds to provide full funding to all grant requests that pass the technical review. The department will provide funding to as many counties as possible as its first priority. If full funding is not available, grant applications will then be scored using the current Priority Scoring section of the funding criteria.

(a) The Priority Scoring criteria will each be assigned points, and include:

(A) The project is identified as a county edge matching project,

(B) The project is part of an ongoing process,

(C) The county currently has a low completion percentage of taxlots that meet the ORMAP Technical Specifications,

(D) The project shows a multi-county effort to encourage collaboration,

(E) The project shows funding partnerships,

(F) The project demonstrates significantly greater costs if not funded in the current cycle,

(G) The county has had significant contribution of non-department resources in completing ORMAP Goal 6,

(H) The county has signed a statewide data sharing agreement to share its taxlot data, and

(I) The County voluntarily withdraws the application from the current funding cycle.

(b) The department will rank each grant application in point total order, with the higher scoring projects receiving preference, using the Priority Scoring methodology.

(c) The tech group will evaluate the department's ranking and make findings and recommendations as to the department's application of that methodology.

(d) The department will take account of each of the tech group's findings and recommendations in the course of recommending approval, denial, or partial funding of the grant based on the Priority Scoring and, if applicable, the quality and quantity of the deliverable in the event of insufficient overall funds.

(7) The department may make changes to the criteria listed in sections (4), (5) and (6) of this rule and notice will be given in the grant application prior to the funding cycle.

(8) The department will provide a written recommendation on grant awards to the advisory committee.

(a) The advisory committee will review the written recommendation of the department and may provide suggestions and input during each funding cycle.

(b) The department will consider any suggestions and input from the advisory committee, and in its discretion, may modify the original written recommendation on grant awards.

(c) The department will notify each grant requestor of its final grant determination and award by letter within two weeks of notifying the advisory committee of grant determinations.

ADMINISTRATIVE RULES

(9) The department will consider appeals of grant decisions.

(a) Appeals must be submitted in writing to the department within 30 days from the action that is being appealed.

(b) If an appellant is successful and additional funds are granted, the additional funding will be deducted from the next quarterly fund deposit.

(10) The department and the grant award recipient must execute an intergovernmental service agreement prior to the disbursement from the fund.

(11) The department must review and approve all documentation of completed project deliverables before approving the payment from the fund to grant recipients.

(12) The department may approve modifications to awarded ORMAP contracts. These modifications may be adjustments to the timeline, deliverables, or amount awarded. The modifications are granted at the discretion of the department based on the availability of funds or the circumstances that required the modification of the contract.

(a) To be granted a contract modification, the county assessor must send, by letter or e-mail, to the ORMAP Project Coordinator the completed ORMAP Contract Modification Request form attached to the grant application. The form is also available upon request to the department's ORMAP Project Coordinator.

(b) The department must receive contract modification requests one month prior to the contract expiration date.

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

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 306.132, 306.135

Hist.: REV 7-2005, f. 12-30-05, cert. ef. 1-1-06; REV 6-2009, f. & cert. ef. 7-31-09; REV 3-2014, f. & cert. ef. 7-31-14

150-307.166

Property of Exempt Entities Leased to Other Exempt Entities

(1) For purposes of ORS 307.166, a lease or other agreement means any written document that communicates the terms and conditions of tenancy. A verbal agreement will not qualify in an exemption claim.

(2) Public body property which is leased or used by another public body is exempt from property taxes when the property is used by the lessee for a qualifying exempt purpose on July 1 of the assessment year to be exempted. The public body granting possession and use of their property must provide notice of the lease or other agreement to the assessor after entering the agreement. If requested by the assessor, a copy of the lease or other agreement must be provided.

(3) When public body property is subsequently leased to another entity other than a public body whose property is exempt from taxation, filing a timely application for a property tax exemption is required.

(4) When property of entities that are not public bodies but whose property is exempt from taxation is leased to a public body an application for a property tax exemption is also required.

(5) When application is required, late filing is permitted. Payment of the late filing fee must be submitted with the application. The late filing fee cannot be excused or waived.

(6) Except where a public body has leased or granted possession and use to another public body and notified the assessor as required, the assessor must be satisfied that the amount of rent charged is below market rent. For purposes of this statute, the definition, application, and examples explaining market rent are found in OAR 150-307.112.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 307.166

Hist.: RD 8-1991, f. 12-30-91, cert. ef. 12-31-91; RD 8-1992, f. 12-29-92, cert. ef. 12-31-92; RD 6-1993, f. 12-30-93, cert. ef. 12-31-93; RD 5-1996, f. 12-23-96, cert. ef. 12-31-96; RD 9-1997, f. & cert. ef. 12-31-97; REV 8-1998, f. 11-13-98, cert. ef. 12-31-98; REV 3-2014, f. & cert. ef. 7-31-14

150-307.175

Property Tax Status of Alternative Energy Systems

(1) Definitions:

(a) "Alternative energy system" means a solar, geothermal, wind, water, fuel cell or methane gas energy system used for the purpose of heating, cooling or generating electricity.

(A) Solar alternative energy systems use the sun and may include but are not limited to:

(i) Solar electric or photovoltaic (PV) systems that consist of solar electric panels (photovoltaic cells) that convert sunlight directly into electricity and may include connective wiring, solar electric modules, inverter, mounting system, disconnection equipment, net-metering system, and storage batteries,

(ii) Solar heating or cooling systems that consist of active, passive, and thermal systems used for water, or space heating or cooling and may include south facing windows, trombe walls, extra thick concrete/stone

floors designed for the absorption of heat, thermal chimneys, solar panels or collectors which directly heat coils of water on the roof or outside walls, extra hot water storage tanks, connecting piping, sensors, valves, pumps, heat exchangers, and controls.

(B) Geothermal alternative energy systems use heat extracted from the earth and may include but are not limited to geothermal heat pumps (GHPs), which can be used for both heating and cooling of buildings and hot water needs.

(i) Ground source geothermal heat pumps consist of buried loops or coils of tubing used to exchange heat.

(ii) Water source geothermal heat pumps consist of loops submerged in a lake, pond or well.

(C) Wind alternative energy systems produce mechanical or electrical power or energy. Wind turbines typically consist of a propeller driven generator attached to a building or tower used to drive a direct current generator which is generally tied to a battery storage system and used to power household or business needs. The system may be connected to a net-metering system or be completely off-grid. These systems may include:

(i) Small stand-alone wind turbines.

(ii) Groups of wind turbines.

(D) Water alternative energy systems or hydropower systems are used to generate electricity. These systems may include but are not limited to micro hydro systems which are small-scale facilities providing electricity to power homes, small farms, and businesses. Micro hydro systems typically consist of a small water drive wheel or turbine which is connected to an electric generator and the output is connected to the user by power wiring. These systems may include a storage battery system and net-metering system.

(E) Fuel cell alternative energy systems produce electricity electrochemically and non-reversibly, using hydrogen-rich fuel and oxygen, producing an electric current, water, and thermal energy. These systems may include but are not limited to fuel cell systems using reformed fossil fuels which also produce carbon dioxide.

(F) Methane gas alternative energy systems are typically gas collection systems used to fuel an electric generator and may also include methane digester systems. These systems may include but are not limited to:

(i) Methane collection systems installed at closed or partially closed landfills and used to fuel electric generator systems.

(ii) Methane digester systems owned by and installed at dairy farms and used to generate power.

(b) "Onsite" means a single, operationally integrated complex of property or properties composed of a single parcel of land and improvements thereon or a group of adjacent parcels and improvements thereon.

(2) Alternative energy systems qualify for exemption only if the system is a net metering facility, as defined in ORS 757.300, or is primarily designed to offset onsite electricity use.

Example 1: A company installs solar panels to generate electricity. The solar energy system is installed as a net metering facility. Therefore, the solar energy system qualifies for the property tax exemption.

Example 2: A utility owns a large wind generating farm. The system is not a net metering facility nor is it designed to offset onsite electricity use. Therefore, the wind energy system does not qualify for the property tax exemption.

Example 3: A methane collection system installed at a closed portion of an otherwise active landfill is used to fuel an electric generating facility to produce electricity used to offset power use at the active portion of the landfill. The system qualifies for the property tax exemption.

Example 4: A methane digester system installed at a dairy farm is used to fuel an electric generator system to generate power for the dairy farm's operations. This qualifies for exemption.

Example 5: An industrial facility installs a methane collection system where methane gas is compressed and used as a fuel source to generate electricity for the facility's operations. This qualifies for exemption.

(3) Alternative energy systems that provide heating, cooling or that generate electrical energy for personal consumption qualify for the property tax exemption only to the extent that they are primarily designed to offset onsite electricity use or are net metering facilities.

(4) Alternative energy system devices and components are exempt to the extent that they add real market value (RMV) to the property. Additional value accruing to property to which a qualified alternative energy system is installed due to the existence of such a system is exempt.

(5) Examples of property that typically do not qualify for the exemption include but are not limited to porches, sunrooms, solariums, and greenhouses.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 307.175

Hist.: RD 2-1988, f. 1-11-88, cert. ef. 1-15-88; RD 8-1991, f. 12-30-91, cert. ef. 12-31-91; REV 10-2002, f. & cert. ef. 12-31-02; REV 9-2008, f. & cert. ef. 9-23-08; REV 3-2014, f. & cert. ef. 7-31-14

ADMINISTRATIVE RULES

150-307.475

Hardship Situations

(1) "Exemption" includes total exemptions, partial exemptions, and special assessments including, but not limited to, those listed in ORS 308A.706(1)(d). Relief under this section does not apply to the provisions of ORS 311.666 to 311.735.

(2) "Good and sufficient cause" is an extraordinary circumstance beyond the control of the taxpayer or the taxpayer's agent or representative that causes the taxpayer to file a late application for an exemption, cancellation of tax, or redetermination of value pursuant to ORS 308.146(6) or 308.428 with the assessor or local governing body.

(a) Extraordinary circumstances include, but are not limited to:

(A) Illness, absence, or disability that substantially impairs a taxpayer's ability to make a timely application. The substantial impairment must have existed prior to the filing deadline, and must have been of such a nature that a reasonable and prudent taxpayer could not have been expected to conform to the deadline.

(B) Delayed receipt of a disability certification, a death certificate, or other documentary justification necessary for the filing of an application for exemption, cancellation of tax, or redetermination of value, unless the taxpayer, with ordinary prudence, could have obtained the required information in a timely manner.

(C) Reasonable reliance on misinformation provided by county assessment and taxation staff or Department of Revenue personnel.

(D) Active duty military service during the tax year for which the application for the exemption was filed but only when the petitioner has applied and otherwise qualified for the exemption under ORS 307.286. The department may not recommend the assessor accept a late filed application for the exemption due to this circumstance unless the petition to the department is filed timely or the deadline for filing a petition with the department is extended under section (4) of this rule.

(b) If none of the other extraordinary circumstances described in subsection (2)(a) of this rule apply, the department cannot find that good and sufficient cause exists if the late filing is due to:

(A) The taxpayer's inadvertence, oversight, or lack of knowledge regarding the filing requirements.

(B) Financial hardship.

(C) Reliance on misinformation provided by a professional such as a real estate broker, attorney, or CPA.

(3) "Military service," as used in section (4) of this rule, includes the period of time that National Guard members are called into federal service for more than 30 days under 32 USC 502(f), as well as the time that members of the Army, Air Force, Navy, Marine Corps, or Coast Guard, and military reservists are ordered to report to active duty.

(4) Notwithstanding ORS 307.475(3), the Servicemembers' Civil Relief Act (SCRA), 50 USC app. 526, suspends the deadline for filing a petition for hardship relief during the period that a service member is in active duty military service with the armed forces.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 307.475

Hist.: RD 8-1983, f. 12-20-83, cert. ef. 12-31-83; RD 9-1984, f. 12-5-84, cert. ef. 12-31-84; REV 4-2006, f. & cert. ef. 7-31-06; REV 4-2007, f. 7-30-07, cert. ef. 7-31-07; REV 3-2014, f. & cert. ef. 7-31-14

150-307.547

Certification of Nonprofit Corporation Low Income Housing Exemption to County Assessor

If the governing body determines under ORS 307.547 that property qualifies for exemption from taxation, the governing body must certify the exemption to the county assessor:

(1) On or before April 1 preceding the tax year for which exemption is granted, or

(2) If after April 1, within one week of the governing body determining the property qualifies for exemption.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 307.547

Hist.: REV 11-2009, f. 12-21-09, cert. ef. 1-1-10; REV 3-2014, f. & cert. ef. 7-31-14

150-308.290-(A)

Extending Filing Deadline for Property Tax Returns

For purposes of ORS 308.290 and this rule,

(1) "Property tax return" means a personal property tax return, a real property tax return, or a combined property tax return. Personal and real property tax returns are described in ORS 308.290(1) and filed with the county assessor in whose county the taxable property is sited. A combined property tax return is described in 308.290(4) and filed with the Department

of Revenue when the department is responsible for appraising the taxpayer's property.

(2) "Office" means the office of one or more county assessors or the department to which property tax returns are delivered.

(3) "Good and sufficient cause" means an extraordinary circumstance that is beyond the control of the taxpayer, or the taxpayer's agent or representative, which prevents the taxpayer from filing the property tax return by the deadline.

(a) An extension of the filing deadline for "good and sufficient cause" applies to the property tax return for the current year only.

(b) "Good and sufficient cause" includes, but is not limited to:

(A) Unavoidable and unforeseen absence, illness, or disability of the person who is solely responsible for filing the return and which substantially impairs a taxpayer's ability to file a timely property tax return. The substantial impairment must have been of such a nature that a reasonable and prudent taxpayer could not have been expected to conform to the deadline.

Example 1: The taxpayer's spouse manages the financial records including tax returns for their construction business. In January, the spouse is diagnosed with lung cancer and begins in-patient treatment that is expected to continue for several months. The assessor grants an extension of filing deadline for good and sufficient cause for the current year only.

Example 2: The accountant for a florist shop experiences a home tragedy (child in auto accident) and must take time away from work in February. As the only person responsible for the taxpayer's books and tax filings, no one can step in to complete the property tax return timely. The assessor accepts a request for extension of filing deadline for good and sufficient cause for the current year only.

Example 3: The local accountant for a nationwide chain of auto stores wins a three week Caribbean cruise that must be taken in February. Management authorizes the vacation. The person who would have stepped in to cover the accountant's work takes a new job and leaves January 15. The department denies a request for extension of filing deadline. This is not "good and sufficient cause," as the taxpayer could have reasonably foreseen this situation and made other arrangements to complete the tax return by the March 1 deadline.

(B) Destruction by fire, natural disaster, or other casualty of the taxpayer's records needed to prepare the return.

Example 4: ABZ Company buys an Oregon business in December. The records of the Oregon firm are not transferred to the new company's accountant until early February and records of the prior tax returns are not included. The accountant cannot gather the information to provide an accurate tax return by March 1. The department grants a request for extension of filing deadline for good and sufficient cause for the current year only.

(4) "Administrative need" means the taxpayer has a recurring inability to obtain the information needed to complete and file the return by the March 1 deadline, due either to the volume of information that the taxpayer must process or competing internal year end reporting requirements.

(5) "Substantially complete" means a return that contains sufficient information to allow the return to be processed by the department or county. A return is not substantially complete if:

(a) It is submitted with blank or missing schedules unless the schedules are appropriately left blank and are labeled with an identifying notation such as "no", "none", or "not applicable"; or

(b) It is submitted with attachments that do not include required information as specified on the schedule.

(c) A return that is not substantially complete will not be considered "filed".

(6) Requesting an Extension. Taxpayers may request an extension of filing deadline of property tax returns. Extensions will be granted for "good and sufficient cause" or "administrative need."

(7) A taxpayer may apply for an extension to:

(a) The department, if the subject property is assigned to the department for appraisal under ORS 308.290(4);

(b) The department, if the taxpayer is required to file returns in more than one county and requests an extension for all property tax returns required to be filed within Oregon as provided by ORS 308.290(7); or

(c) The county assessor, if the taxpayer's subject property is sited in only that county and appraised by that office as provided by ORS 308.290(1).

(8) A request for extension of filing deadline must meet all of the following requirements:

(a) The request must be postmarked on or before February 15, in the office responsible for appraisal of the subject property.

(b) The request for extension must be in writing and must contain:

(A) The business or company name on the property tax account(s),

(B) The company's complete mailing address and telephone number,

(C) The county property tax account number(s) when known,

(D) The situs address and county of each property listed, and

(E) Other information as required by the assessor or the department.

(c) The request must be signed by the taxpayer(s), an officer of the taxpayer, or the authorized representative of the taxpayer;

ADMINISTRATIVE RULES

(d) The request must contain all of the facts explaining the need for an extension, including, but not limited to:

(A) For a request due to good and sufficient cause, the taxpayer must describe the extraordinary circumstance that prevents the return from being filed timely.

(B) For a request due to administrative need, the taxpayer must describe the administrative need and how the conditions described in Sections (10) and (11) of this rule will be met.

(e) If the taxpayer is a leasing company (lessor) and is requesting an extension for locations in multiple counties as provided by ORS 308.290(7)(a):

(A) The lessor must have sole responsibility for payment of taxes charged to all property items on the asset listing; and

(B) The lessor must provide a list of all equipment classified as real or personal property and identify the situs and county of each property listed.

(9) The office receiving the request for extension will advise the taxpayer whether the request for extension of filing deadline is granted or denied. The department will notify both the taxpayer and the assessor when an extension is granted or denied by the department under ORS 308.290(7)(a).

(10) Granting an Extension. When a request for extension is granted, the office will send an "Extension Approval" letter along with instructions for reporting requirements which include, but are not limited to:

(a) A complete listing of assets describing each item of real and personal property (including those fully depreciated, expensed, or held in storage), the date each was purchased, original cost, and location; or

(b) A listing of equipment which identifies the situs and county of the property for both real and personal property reported by a leasing company; or

(c) A summary by classification of assets, with the specific real and personal property additions and retirements for the current year. This method is only acceptable if the office has agreed to an addition/deletion listing from the taxpayer.

(11) In addition to the requirements in Section (10) of this rule, the taxpayer must also:

(a) Provide a summary by classification of assets in a combined return that includes each asset's trending and depreciation codes or valuation factors applied to all property according to schedules supplied by the office; or

(b) Apply the personal property valuation factors provided by the office to the asset list(s) by property classification to develop the value of the personal property.

(12) When filing a return after approval of an extension, the taxpayer must:

(a) Submit a complete return;

(b) Submit information as required in Sections (10) and (11) of this rule; and

(c) Include a copy of the Extension Approval letter.

(13) Denying an Extension. When an office denies a request for extension of filing deadline:

(a) The office will promptly advise the taxpayer in writing of the denial, and

(b) The completed property tax return(s) must be filed with the office on or before March 1.

(14) Reasons for denying a request for extension include, but are not limited to:

(a) The request for extension was not received on or before February 15;

(b) The office lacks authority to grant an extension because the office is not responsible for appraisal of the subject property;

(c) The request for extension is based on an administrative need that was previously denied or had been granted but subsequently revoked; or

(d) The reason for the request does not meet the definition of good and sufficient cause or an administrative need as described in this rule.

(15) If the taxpayer is granted an extension for administrative need, the extension will continue for subsequent tax years unless canceled by the taxpayer or revoked by the assessor or the department after discussion with the taxpayer concerning the taxpayer's failure to meet the requirements described in Sections (10) and (11) of this rule.

(16) Revoking an Extension. The assessor or the department may revoke an extension of filing deadline a year after written notification to the taxpayer explaining reasons for revocation. Reasons for revoking an extension include, but are not limited to:

(a) The property tax return is not received on or before April 15;

(b) The property tax return does not substantially comply with the requirements described in Sections (10) and (11) of this rule;

(c) The property tax return is not signed by the taxpayer(s), an officer of the taxpayer, or the authorized representative of the taxpayer;

(d) Property has been omitted from the property tax return;

(e) Property has been incorrectly classified;

(f) Responsibility for appraisal of the subject property transfers to another office. The taxpayer may then apply to the appropriate office for an extension; or

(g) Taxpayer fails to provide the county with a copy of the Extension Approval letter.

(17) Consequence of Filing after Extension Date. The taxpayer must submit a substantially complete property tax return to the proper office on or before April 15 to be considered timely filed by the extended deadline.

(18) If an office grants an extension and the taxpayer files a return that is not substantially complete by April 15, the office will reject the property tax return(s) and return it to the taxpayer with a request that the required information be added and the return re-submitted within the timeframe specified by the office.

(19) If the taxpayer fails to re-submit the return, the office shall list and value the taxable property based on the best information obtainable from other sources as described in ORS 308.290(9).

(20) Any return filed after April 15 will be considered as late filed and a penalty assessed as described in ORS 308.295 and 308.296.

Stat. Auth.: ORS 305.100, 308.290

Stats. Implemented: ORS 308.290

Hist.: REV 7-2008, f. 8-29-08, cert. ef. 8-31-08; REV 3-2014, f. & cert. ef. 7-31-14

150-308A.056(1)(g)

Disposal by donation to a local food bank or school.

(1) Definitions for this rule

(a) "Local food bank" means any organization located in the state of Oregon, that is a charitable or not-for-profit organization that collects food and distributes it, without charge, to the needy, including children and families, homeless, unemployed, elderly or low income people. For the purposes of ORS 308A.056(1)(g) and this rule, "local food bank" includes regional food banks as defined under OAR 813-220-0005(6).

(b) "School" means a public or private educational institution, or a publicly or privately funded early childhood education program located in the state of Oregon.

(2) For the donation to a local food bank or school of products or by-products raised for human or animal use to constitute a "farm use" under ORS 308A.056, the owner, renter or operator of the land to be qualified for farm use special assessment shall document the donation in writing and shall submit that documentation to the county assessor, if requested.

(a) The documentation required by this subsection shall contain, at a minimum:

(A) The name, address, and phone number of the owner, renter or operator applying for or maintaining the land in special assessment.

(B) The description, date, and quantity of the donation.

(C) The description of the land upon which the product or by product was raised including either the county assessor's tax lot number or tax account number.

(D) The signature of the director, supervisor, or other appropriate official, whether paid or volunteer, of the local food bank or school receiving the donation.

(E) The name and address of the local food bank or school receiving the donation.

(F) A signed statement by the owner, renter or operator of the land for which special assessment is requested or maintained verifying that the information provided is accurate.

(b) The owner, renter or operator may satisfy the documentation requirements of section (2) by submitting a completed Form 150-101-240 to the county assessor.

(c) If the owner, renter or operator does not produce the documentation described in this subsection in response to a request from the county assessor, then the land may be disqualified from special assessment.

(3) Nothing in ORS 308A.056(1)(g) or this rule shall constitute an exception to the income requirements for nonexclusive farm use zone farmland, as set forth in ORS 308A.071, and the value of donated products or by-products shall not be included in the calculation of either "gross income" under ORS 308A.071(7)(b), or "income from consumed products" under OAR 150-308A.071(1). Publications: Contact the Oregon Department of Revenue for information about how to obtain a copy of the publication referred to or incorporated by reference in this rule pursuant to ORS 183.360(2) and 183.355(1)(b).

Stat. Auth.: ORS 305.100

ADMINISTRATIVE RULES

Stats. Implemented: ORS 308A.056
Hist.: REV 3-2014, f. & cert. ef. 7-31-14

Stat. Auth.: ORS 305.100
Stats. Implemented: ORS 311.691
Hist.: RD 1-1995, f. 12-29-95, cert. ef. 12-31-95; REV 8-2000, f. & cert. ef. 8-3-00; REV 11-2009, f. 12-21-09, cert. ef. 1-1-10; REV 3-2014, f. & cert. ef. 7-31-14

150-308A.092

Valuation of Certain Agricultural Land to Reflect Value for Farm Use Only

(1) Certain farm properties are set aside under a government payment program such as the federally administered Conservation Reserve Program (CRP). The payments received for farmlands placed in these conservation programs must not be used as income for computing farm use values. Income data from similar lands that are not included in the conservation programs should be used instead to compute farm use values. New farm use values must be computed each year as though the land in the conservation programs was being used for a farm use.

NOTE: Acreage that is not in an exclusive farm use zone, and is under a farm-related government conservation program, is not subject to the gross income requirements.

(2) Values for farm use are to be determined on the basis of highest and best agriculture use, regardless of how the land is currently used and employed in agriculture.

Example 1: The land is capable of raising wheat, but the owner elects to pasture the property. The highest and best agricultural use of the property is as wheat land, so the farm use value would be based on wheat land.

Example 2: The land is capable of raising wheat, but the owner adds site improvements to enable the planting of an orchard. The highest and best agricultural use is now as orchard land, so the farm use value would be based on orchard land.

(3) If the owner of land assessed as farm use land contends the assessor's farm use value is not correct, the value may be appealed to the county Board of Property Tax Appeals as provided by ORS 309.100. An appeal from an adverse decision of the board may be filed with the Magistrate Division of the Tax Court as provided by 305.275(2) (also see 305.280).

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 308.345 & 308A.092

Hist.: RD 11-1990, f. 12-20-90, cert. ef. 12-31-90; REV 11-2000, f. 12-29-00, cert. ef. 12-31-00, Renumbered from 150-308.345; REV 3-2014, f. & cert. ef. 7-31-14

150-311.691

Taxes Unpaid Before Approval of Senior Deferral Application

(1) Delay of foreclosure is only available for real property. It is not available on personal property. To qualify for delay of foreclosure, the property owner's household income must not exceed the limits allowed under ORS 311.668 for the immediately preceding calendar year.

(2) When an application for property tax deferral has been submitted and approved by the department, the taxpayer is notified of that approval. If prior years' taxes on the property subject to deferral remain unpaid on the date of approval, the applicant may apply for a delay of foreclosure by completing the appropriate application for all years in which unpaid taxes exist and submit that application to the county assessor, pursuant to ORS 311.693.

(a) Applications are accepted for delay of foreclosure only for delinquent taxes accumulated for tax years prior to the tax year for which property tax deferral is sought. An applicant may have several years' worth of delinquent taxes covered under one or more delays of foreclosure.

(b) The delay of foreclosure will remain in effect until the property is disqualified under ORS 311.684, even if the homestead or taxpayer are inactivated from the deferral program for failure to meet one or more requirements under another deferral program statute.

Example 1: The taxpayer owed delinquent property taxes to the county for the 2009/10 tax year. The taxpayer first applied and was approved for the deferral program in 2010. At that time, the taxpayer applied for and was approved to have foreclosure delayed for the 2009/10 taxes. The Department of Revenue paid the 2010/11 deferred taxes to the county. Then, the taxpayer failed to meet the program qualifications for tax year 2011/12, and was inactivated from the deferral program, which meant that the department stopped paying property taxes to the county. But the delay of foreclosure for the 2009/10 taxes remained in effect, because the taxpayer and the homestead were not disqualified under ORS 311.684. The taxpayer did not pay the property taxes to the county for the 2011/12, 2012/13, and 2013/14 tax years. In 2014, the taxpayer reapplied for deferral and was approved for the property tax deferral program for tax year 2014/15. The taxpayer submitted and was approved for another delay of foreclosure for the 2011/12, 2012/13, and 2013/14 taxes.

(3) Interest will continue to accrue at the current county interest rate on any unpaid delinquent taxes covered under the delay of foreclosure.

(4) When the property is disqualified from the deferral program for an event listed in ORS 311.684, any deferred taxes plus interest and fees, along with the full amount of any delinquent taxes and applicable interest or other charges covered under the delay of foreclosure become due by August 15 the year following the disqualification.

Example 2: The taxpayer had received a delay of foreclosure when applying for the Senior Citizen Deferral program. The account was disqualified on July 15, 2008. The taxpayer has until August 15, 2009 to pay both the amounts due to the county for the delinquent taxes, interest any other charges that were subject to the delay of foreclosure and amounts due to the Department of Revenue for the deferred property taxes, and applicable interest and other charges.

.....
Rule Caption: Property tax exemptions, tax payments, farm, local budget and appeals programs.

Adm. Order No.: REV 4-2014

Filed with Sec. of State: 8-11-2014

Certified to be Effective: 8-11-14

Notice Publication Date: 10-1-2009

Rules Amended: 150-309.110-(A)

Subject: 150-309.110-(A) is being amended to reflect changes that were adopted in 2008, effective 1/1/2009 but, due to a filing error, are not reflected on the website. There are no substantive changes to this rule since the 1/1/2009 effective date.

Rules Coordinator: Deanna Mack—(503) 947-2082

150-309.110-(A)

Board of Property Tax Appeals (BOPTA) Procedures When Roll Changed after Petition is Filed

(1) If the assessor reduces the value of property under ORS 308.242(2) after a petition has been filed with BOPTA, but prior to January 1 of the tax year, the following procedures apply if a stipulation is not filed with the board prior to the time the board convenes:

(a) The board will schedule a hearing and notify the petitioner of the time and place the board will meet to resolve the petition.

(b) If the value requested in the petition is higher than or equal to the adjusted value, the board must issue an order dismissing the petition.

(c) If the value requested in the petition is lower than the adjusted value, the board must review the adjusted value and issue an order sustaining or correcting the adjusted value.

(2) If the assessor reduces the value of property under ORS 311.205 after a petition has been filed with BOPTA, the board will act on the petition in the following manner:

(a) The board will schedule a hearing and notify the petitioner of the time and place the board will meet to resolve the petition.

(b) If the value requested in the petition is higher than or equal to the adjusted value, the board must issue an order dismissing the petition.

(c) If the value requested in the petition is lower than the adjusted value, the board must review the adjusted value and issue an order sustaining or correcting the adjusted value.

(3) Notwithstanding (1)(b) and (2)(b) of this rule, the board will issue an order to sustain or reduce the adjusted value if the petitioner amends the value requested pursuant to section 5 of OAR 150-309.100(3)-(B) prior to or during the board hearing.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 309.110

Hist.: REV 6-2003, f. & cert. ef. 12-31-03; Renumbered from 150-309.110(1)-(E), REV 17-2008, f. 12-26-08, cert. ef. 1-1-09; REV 4-2014, f. & cert. ef. 8-11-14

Department of State Lands

Chapter 141

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

Adm. Order No.: DSL 3-2014

Filed with Sec. of State: 8-14-2014

Certified to be Effective: 9-1-14

Notice Publication Date: 7-1-2014

Rules Adopted: 141-085-0768

Rules Amended: 141-085-0510, 141-085-0520, 141-085-0530, 141-085-0534, 141-085-0550, 141-085-0560, 141-085-0575, 141-085-0680, 141-085-0725, 141-085-0735, 141-085-0750, 141-085-0755, 141-085-0775

Rules Repealed: 141-085-0760

Subject: These rules govern the issuance and enforcement of removal-fill authorizations within waters of the state including wetlands. Revisions to these rules are necessary to clarify provisions and meet statutory changes from the 2013 legislative session (HB 2396 and HB 2032, both engrossed).

Rules Coordinator: Tiana Teeters—(503) 986-5239

ADMINISTRATIVE RULES

141-085-0510

Definitions

The following definitions are used in addition to those in ORS 196.600 to 196.990.

(1) "Applicant" means a landowner, a person authorized by a landowner to conduct a removal or fill activity, or a person that proposes a removal or fill activity for construction or maintenance of a linear facility.

(2) "Aquatic Life and Habitats" means the aquatic environment including all fish, wildlife, amphibians, plants and other biota dependent upon environments created and supported by the waters of this state. Aquatic life includes communities and species populations that are adapted to aquatic habitats for at least a portion of their life.

(3) "Artificial Means" means the purposeful movement or placement of material by humans and/or their machines.

(4) "Authorization" means an individual permit, general authorization, general permit or emergency authorization.

(5) "Bankfull Stage" means the two-year recurrence interval flood elevation.

(6) "Baseline Conditions" means the ecological conditions, wetland functions and values and the soils and hydrological characteristics present at a site before any change by the applicant is made.

(7) "Basin" means one of the eighteen (18) Oregon drainage basins identified by the Oregon Water Resources Department as shown on maps published by that agency.

(8) "Beds" means:

(a) For the purpose of OAR 141-089, the land within the wet perimeter and any adjacent non-vegetated dry gravel bar; and

(b) For all other purposes, "beds" means that portion of a waterway that carries water when water is present.

(9) "Beds or Banks" means the physical container of the waters of this state, bounded on freshwater bodies by the ordinary high water line or bankfull stage, and in tidal bays and estuaries by the limits of the highest measured tide. The "bed" is typically the horizontal section and includes non-vegetated gravel bars. The "bank" is typically the vertical portion.

(10) "Buffer" means an upland or wetland area immediately adjacent to or surrounding a wetland or other water that is set aside to protect the wetland or other waters from conflicting adjacent land uses and to support ecological functions.

(11) "Channel" means a natural (perennial or intermittent stream) or human made (e.g., drainage ditch) waterway that periodically or continuously contains moving water and has a defined bed and bank that serve to confine the water.

(12) "Channel Relocation" means a change in location of a channel in which a new channel is dug and the flow is diverted from the old channel into the new channel.

(13) "Coastal Zone" means the area lying between the Washington border on the north to the California border on the south, bounded on the west by the extent of this state's jurisdiction as recognized by federal law, and the east by the crest of the coastal mountain range, excepting:

(a) The Umpqua River basin, where the coastal zone extends to Scottsburg;

(b) The Rogue River basin, where the coastal zone extends to Agness; and

(c) The Columbia River basin, where the coastal zone extends to the downstream end of Puget Island.

(14) "Coastal Zone Certification Statement" means a signed statement by the applicant or an authorized agent indicating that the proposed project will be undertaken in a manner consistent with the applicable enforceable policies of the Oregon Coastal Management Program.

(15) "Commercial Operator" means any person undertaking a project having financial profit as a goal.

(16) "Compensatory Mitigation" means activities conducted by a permittee or third party to create, restore, enhance or preserve the functions and values of the waters of this state to compensate for the removal-fill related adverse impacts of project development to waters of this state or to resolve violations of ORS 196.600 to 196.905. Compensatory mitigation for removal-fill activities does not affect permit requirements of other state departments.

(17) "Compensatory Non-Wetland Mitigation (CNWM)" means activities conducted by a permittee or third party to replace non-wetland water functions and values through enhancement, creation, restoration or preservation to compensate for the adverse effects of project development or to resolve violations of ORS 196.600 to 196.905.

(18) "Compensatory Wetland Mitigation (CWM)" means activities conducted by a permittee or third party to create, restore or enhance wet-

land and tidal waters functions and values through enhancement, creation, restoration or preservation to compensate for the adverse effects of project development or to resolve violations of ORS 196.600 to 196.905.

(19) "Comprehensive Plan" means a generalized, coordinated land use map and associated regulations and ordinances of the governing body of a local government.

(20) "Condition" refers to the state of a water's naturalness or ecological integrity.

(21) "Converted Wetlands" means agriculturally managed wetlands that, on or before June 30, 1989, were brought into commercial agricultural production by diking, draining, leveling, filling or any similar hydrologic manipulation and by removal or manipulation of natural vegetation, and that are managed for commercial agricultural purposes. "Converted wetlands" does not include any stream, slough, ditched creek, spring, lake or any other waters of this state that are located within or adjacent to a converted wetland area.

(22) "Cowardin" means Cowardin, L. M., V. Carter, F. C. Golet, E. T. LaRoe. 1979. Classification of wetlands and deepwater habitats of the United States, U. S. Department of the Interior, Fish and Wildlife Service, Washington, D.C.

(23) "Credit" means the measure of the increase in the functions and values of the water resources of this state achieved at a mitigation site.

(24) "Day of Violation" means the first day and each day thereafter on which there is a failure to comply with any provision of the Removal-Fill Law, ORS 196.600 through 196.990, or rules adopted by the Department, or any order or authorization issued by the Department.

(25) "Deep Ripping, Tiling and Molding" refers to certain specific mechanical methods used to promote subsurface drainage of agricultural wetlands.

(26) "Degraded Wetland" refers to a wetland in poor condition with diminished functions and values resulting from hydrologic manipulation (such as diking, draining and filling) and other disturbance factors that demonstrably interfere with the normal functioning of wetland processes.

(27) "Department" means the Oregon Department of State Lands and the Director or designee.

(28) "Ditch" means a manmade water conveyance channel. Channels that are manipulated streams are not considered ditches.

(29) "Dredging" means removal of bed material using other than hand-held tools.

(30) "Ecologically or Environmentally Preferable" means compensatory mitigation that has a higher likelihood of replacing functions and values or improving water resources of this state.

(31) "Emergency" means natural or human-caused circumstances that pose an immediate threat to public health, safety or substantial property including crop or farmland.

(32) "Enhancement" means to improve the condition and increase the functions and values of an existing degraded wetland or other water of this state.

(33) "Erosion-Flood Repair" means the placement of riprap or any other work necessary to protect existing facilities and land from flood and high stream flows, in accordance with these regulations.

(34) "Essential Indigenous Anadromous Salmonid Habitat (ESH)" means the streams designated pursuant to ORS 196.810 that are necessary to prevent the depletion of indigenous anadromous salmonid species during their life history stages of spawning and rearing, and any adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to an ESH stream.

(35) "Estuary" means:

(a) For waters other than the Columbia River, the body of water from the ocean to the head of tidewater that is partially enclosed by land and within which salt water is usually diluted by fresh water from the land, including all associated estuarine waters, tidelands, tidal marshes and submerged lands; and

(b) For the Columbia River, all waters from the mouth of the river up to the western edge of Puget Island, including all associated estuarine waters, tidelands, tidal marshes and submerged lands.

(36) "Extreme Low Tide" means the lowest estimated tide.

(37) "Fill" means the total of deposits by artificial means equal to or exceeding 50 cubic yards or more of material at one location in any waters of this state. However, in designated ESH areas (OAR 141-102) and in designated Scenic Waterways (OAR 141-100) "fill" means any amount of deposit by artificial means.

(38) "Food and Game Fish" means those species identified under ORS 506.011, 506.036 or 496.009.

ADMINISTRATIVE RULES

(39) "Forestland" means the same as used in the Forest Practices Act and rules (ORS 527.610 to 527.992); land which is used for the commercial growing and harvesting of forest tree species, regardless of how the land is zoned or taxed or how any state or local statutes, ordinances, rules or regulations are applied.

(40) "Functions and Values" are those ecological characteristics or processes associated with a water of this state and the societal benefits derived from those characteristics. The ecological characteristics are "functions," whereas the associated societal benefits are "values."

(41) "Highest Measured Tide" means the highest tide projected from actual observations within an estuary or tidal bay (see OAR 141-085-0515).

(42) "Hydrogeomorphic Method (HGM)" means the method of wetland classification and functional assessment based on a wetland's location in the landscape and the sources and characteristics of water flow.

(43) "Independent Utility" as used in the definition of "project," means that the project accomplishes its intended purpose without the need for additional phases or other projects requiring further removal-fill activities.

(44) "In-Lieu Fee Mitigation" means the federally approved compensatory mitigation program used to compensate for reasonably expected adverse impacts of project development on waters of the United States and waters of this state with fees paid by the applicant to the Department or other sponsor, as approved by the Department.

(45) "Interagency Review Team (IRT)" is an advisory committee to the Department on mitigation banks and other compensatory mitigation projects.

(46) "Intermittent Stream" means any stream which flows during a portion of every year and which provides spawning, rearing or food-producing areas for food and game fish.

(47) "Large Woody Debris" means any naturally downed wood that captures gravel, provides stream stability or provides fish habitat, or any wood placed into waters of this state as part of a habitat improvement or conservation project.

(48) "Legally Protected Interest" means a claim, right, share or other entitlement that is protected under state or federal law. A legally protected interest includes, but is not limited to, an interest in property.

(49) "Linear Facility" means any railway, highway, road, pipeline, water or sewer line, communication line, overhead or underground electrical transmission or distribution line, or similar facility.

(50) "Listed Species" means any species listed as endangered or threatened under the federal Endangered Species Act (ESA) and/or any species listed as endangered or threatened by the State of Oregon.

(51) "Location" means the entire area where the project is located.

(52) "Maintenance" means the periodic repair or upkeep of a structure in order to maintain its original use. "Maintenance" includes a structure being widened by no more than twenty percent of its original footprint at any specific location in waters of this state if necessary to maintain its serviceability. "Maintenance" also includes removal of the minimum amount of sediment either within, on top of or immediately adjacent to a structure that is necessary to restore its serviceability, provided that the spoil is placed on upland.

(53) "Material" means rock, gravel, sand, silt and other inorganic substances and large woody debris, removed from waters of this state and any materials, organic or inorganic, used to fill waters of this state.

(54) "Mitigation" means the reduction of adverse effects of a proposed project by considering, in the following order:

(a) Avoiding the effect altogether by not taking a certain action or parts of an action;

(b) Minimizing effects by limiting the degree or magnitude of the action and its implementation;

(c) Rectifying the effect by repairing, rehabilitating or restoring the affected environment;

(d) Reducing or eliminating the effect over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate corrective measures; and

(e) Compensating for the effect by creating, restoring, enhancing or preserving substitute functions and values for the waters of this state.

(55) "Mitigation Bank" or "Bank" means a site created, restored, enhanced or preserved in accordance with ORS 196.600 to 196.655 to compensate for unavoidable adverse impacts to waters of this state due to activities which otherwise comply with the requirements of ORS 196.600 to 196.905.

(56) "Mitigation Bank Instrument (MBI)" means the legally binding and enforceable agreement between the Department and a mitigation bank sponsor that formally establishes the mitigation bank and stipulates the

terms and conditions of the mitigation bank's construction, operation and long-term management.

(57) "Mitigation Bank Prospectus" or "Prospectus" means the preliminary proposal prepared by a mitigation bank sponsor describing a proposed bank.

(58) "Mitigation Bank Sponsor" or "Sponsor" means a person or single legal entity that has the authority and responsibility to fully execute the terms and conditions of a mitigation bank instrument.

(59) "Navigational Servitude" means activities of the federal government that directly result in the construction or maintenance of congressionally authorized navigation channels.

(60) "Non-Motorized Methods or Activities" are those removal-fill activities within ESH that are completed by hand and are not powered by internal combustion, hydraulics, pneumatics or electricity. Hand-held tools such as wheelbarrows, shovels, rakes, hammers, pry bars and manually operated cable winches are examples of common non-motorized methods.

(61) "Non-Water Dependent Uses" means uses that do not require location on or near a waterway to fulfill their basic purpose.

(62) "Non-Wetland Waters" means waters of this state other than wetlands, including bays, intermittent streams, perennial streams, lakes and all other regulated waters.

(63) "Office of Administrative Hearings" means the state agency unit that provides Administrative Law Judges to conduct contested case proceedings.

(64) "Ordinary High Water Line (OHWL)" means the line on the bank or shore to which the high water ordinarily rises. The OHWL excludes exceptionally high water levels caused by large flood events (e.g., 100-year events).

(65) "Oregon Rapid Wetland Assessment Protocol (ORWAP)" is a method for rapidly assessing wetland functions and values (as well as other attributes) in all wetland types throughout Oregon.

(66) "Payment In-Lieu Mitigation" means compensatory mitigation for waters of this state that is fulfilled by using funds paid to the Department. The payment in-lieu program is not approved to compensate for impacts to waters of the United States.

(67) "Perennial Stream" means a stream that has continuous flow in parts of its bed all year long during years of normal precipitation.

(68) "Person" means a person or a public body, as defined in ORS 174.109; the federal government, when operating in any capacity other than navigational servitude or any other legal entity.

(69) "Plowing" means all forms of tillage and similar physical means for the breaking up, cutting, turning over and stirring of soil to prepare it for planting crops. Plowing does not include deep ripping or redistribution of materials in a manner that changes any waters of this state to upland.

(70) "Practicable" means capable of being accomplished after taking into consideration cost, existing technology and logistics with respect to the overall project purpose.

(71) "Preservation" means to permanently protect waters of this state having exceptional ecological features.

(72) "Private Operator" means any person undertaking a project for an exclusively non-income-producing and nonprofit purpose.

(73) "Project" means the primary development or use, having independent utility, proposed by one person. A project may include more than one removal-fill activity.

(74) "Project Site" means the geographic area upon which the project is being proposed.

(75) "Prospecting" means to search or explore for samples of gold, silver or other precious minerals, using non-motorized methods; by filling, removing or moving by artificial means less than one cubic yard of material at any one individual site; and, cumulatively, not more than five cubic yards of material from within the bed or wet perimeter of any single ESH stream in a single year.

(76) "Public Body" as used in the statutes of this state means state government bodies, local government bodies and special government bodies (ORS 174.109).

(77) "Public Use" means a publicly owned project or a privately owned project that is available for use by the public.

(78) "Push-Up Dam" means a berm of streambed material that is excavated or bulldozed (i.e., pushed-up) from within the streambed itself and positioned in the stream in such a way as to hold or divert water in an active flowing stream. The push-up dam may extend part way or all the way across the stream. Push-up dams are most frequently used to divert water for irrigation purposes associated with agricultural production including livestock watering. Push-up dams are reconstructed each water-use season;

ADMINISTRATIVE RULES

high water usually flattens or breaches them; and equipment is used to breach or flatten them at the close of the water-use season.

(79) “Reasonably Expected Adverse Effect” and “Adverse Impact” means the direct or indirect, reasonably expected or predictable results of project development upon waters of this state including water resources, navigation, fishing and public recreation uses.

(80) “Reconstruction” means to rebuild or to replace the existing structure in-kind. “Reconstruction” includes a structure being widened by no more than twenty percent of its original footprint at any specific location in waters of this state.

(81) “Recreational Placer Mining” means to search or explore for samples of gold, silver or other precious minerals by removing, filling or moving material from or within the bed of a stream, using non-motorized equipment or a motorized surface dredge having an intake nozzle with an inside diameter not exceeding four inches and a muffler meeting or exceeding factory-installed noise reduction standards.

(82) “Reference Site” means a site or sites that represent the desired future characteristics and condition to be achieved by a compensatory mitigation plan.

(83) “Removal” means the taking of more than 50 cubic yards of material (or its equivalent weight in tons) in any waters of this state in any calendar year; or the movement by artificial means of an equivalent amount of material on or within the bed of such waters, including channel relocation. However, in designated ESH areas (OAR 141-102) and in designated Scenic Waterways (OAR 141-100) the 50-cubic-yard minimum threshold does not apply.

(84) “Removal-Fill Site” means the specific point where a person removes material from and/or fills any waters of this state. A project may include more than one removal-fill site.

(85) “Riprap” means facing a bank with rock or similar substance to control erosion.

(86) “Serviceable” means capable of being used for its intended purpose.

(87) “Service Area” means the boundaries set forth in a mitigation bank instrument that include one or more watersheds identified on the United States Geological Survey, Hydrologic Unit Map -1974, State of Oregon, for which a mitigation bank provides credits to compensate for adverse effects from project developments to waters of this state. Service areas for mitigation banks are not mutually exclusive.

(88) “State Scenic Waterway (SSW)” means a river or segment of river or lake that has been designated as such in accordance with Oregon Scenic Waterway Law (ORS 390.805 to 390.995).

(89) “Temporal Loss” means the loss of the functions and values of waters of this state that occurs between the time of the impact and the time of their replacement through compensatory mitigation.

(90) “Temporary Impacts” are adverse impacts to waters of this state that are rectified within 24 months from the date of the initiation of the impact.

(91) “Tidal Waters” are the areas in estuaries, tidal bays and tidal rivers located between the highest measured tide and extreme low tide (or to the elevation of any eelgrass beds, whichever is lower), that is flooded with surface water at least annually during most years. Tidal waters include those areas of land such as tidal swamps, tidal marshes, mudflats, algal and eelgrass beds and are included in the Estuarine System and Riverine Tidal Subsystem as classified by Cowardin.

(92) “Violation” means removing material from or placing fill in any of the waters of this state in a manner that is inconsistent with any provision of the Removal-Fill Law (ORS 196.600 through 196.990), rules adopted by the Department, or any order or authorization issued by the Department.

(93) “Water Quality” means the measure of physical, chemical and biological characteristics of water as compared to Oregon’s water quality standards and criteria set out in rules of the Oregon Department of Environmental Quality and applicable state law.

(94) “Water Resources” includes not only water itself but also aquatic life and habitats therein and all other natural resources in and under the waters of this state.

(95) “Waters of This State” means all natural waterways, tidal and non-tidal bays, intermittent streams, constantly flowing streams, lakes, wetlands, that portion of the Pacific Ocean that is in the boundaries of this state, all other navigable and non-navigable bodies of water in this state and those portions of the ocean shore, as defined in ORS 390.605, where removal or fill activities are regulated under a state-assumed permit program as provided in 33 U.S.C. 1344(g) of the Federal Water Pollution Control Act, as amended.

(96) “Wet Perimeter”, as used in OAR 141-089, means the area of the stream that is under water, or is exposed as a non-vegetated dry gravel bar island surrounded on all sides by actively moving water at the time a removal-fill activity occurs.

(97) “Wetland Creation” means to convert an area that has never been a wetland to a wetland.

(98) “Wetland Enhancement” means to improve the condition and increase the functions and/or values of an existing degraded wetland.

(99) “Wetland Hydrology” means the permanent or periodic inundation or prolonged saturation sufficient to create anaerobic conditions in the soil and support hydrophytes.

(100) “Wetland Restoration” means to reestablish a former wetland.

(101) “Wetlands” means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Stat. Auth.: ORS 196.825 & 196.600-196.692

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

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 8-2009, f. 12-15-09 cert. ef. 1-1-10; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12; DSL 3-2014, f. 8-14-14, cert. ef. 9-1-14

141-085-0520

Removal-Fill Jurisdiction by Volume of Material

The following criteria are used to determine jurisdictional volume thresholds that trigger the requirement for an authorization.

(1) Oregon State Scenic Waterways (SSWs). The threshold volume is any amount greater than zero.

(2) Essential Indigenous Anadromous Salmonid Habitat (ESH). The threshold volume is any amount greater than zero.

(3) Compensatory Mitigation Sites. The threshold volume is any amount greater than zero for compensatory mitigation sites referenced in an authorization.

(4) All Other Waters of This State.

(a) For fill activities, any combination of either organic or inorganic material deposited by artificial means at any one location in waters of this state equal to or exceeding 50 cubic yards or the equivalent weight in tons; and

(b) For removal activities, the taking or movement by artificial means of more than 50 cubic yards of inorganic material or large woody debris, or the equivalent weight in tons in any calendar year.

Stat. Auth.: ORS 196.825 & 196.600 - 196.692

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

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12; DSL 3-2014, f. 8-14-14, cert. ef. 9-1-14

141-085-0530

Exemptions for Certain Activities and Structures

These exemptions apply in all waters of this state except State Scenic Waterways.

(1) State Forest Management Practices. Non-federal forest management practices subject to Oregon’s Forest Practices Act conducted in any non-navigable water of this state are exempt. When these forestlands are being converted to other uses the exemption does not apply to the activities associated with the new use. Forest management practices must be directly connected with a forest management practice conducted in accordance with ORS 527.610 through 527.770, 527.990 and 527.992, such as:

- (a) Reforestation;
- (b) Road construction and maintenance;
- (c) Harvesting of forest tree species; and
- (d) Disposal of slash.

(2) Fill for Construction, Operation and Maintenance of Certain Dams and Water Diversion Structures. Filling the beds of the waters of this state for the purpose of constructing, operating and maintaining dams or other diversions for which permits or certificates have been or will be issued under ORS Chapters 537 or 539 and for which preliminary permits or licenses have been or will be issued under ORS 543.010 through 543.610 is exempt.

(3) Navigational Servitude. Activities conducted by or on the behalf of any agency of the federal government acting in the capacity of navigational servitude in connection with a federally authorized navigation channel are exempt. Disposal of dredged material within the ordinary high water line of the same waterway is also exempt.

(4) Maintenance or Reconstruction of Water Control Structures. Fill or removal or both for maintenance or reconstruction of water control structures such as culverts, dikes, dams, levees, groins, riprap, tidegates, drainage ditches, irrigation ditches, and tile drain systems are exempt if:

ADMINISTRATIVE RULES

(a) The project meets the definition of maintenance under OAR 141-085-0510(51); or

(b) The project meets the definition of reconstruction under OAR 141-085-0510(79);

(c) The structure was serviceable within the past five years; and

(d) The maintenance or reconstruction would not significantly adversely affect wetlands or other waters of this state to a greater extent than the wetlands or waters of this state were affected as a result of the original construction of those structures.

(5) Maintenance and Emergency Reconstruction of Roads and Transportation Structures. Fill or removal for maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable roads or transportation structures, such as groins and riprap protecting roads, causeways, bridge abutments or approaches, and boat ramps is exempt.

(6) Prospecting and Non-Motorized Activities within Designated Essential Indigenous Anadromous Salmonid Habitat (ESH). A permit is not required for prospecting or other non-motorized activities resulting in removal-fill of less than one cubic yard of material at any one individual site and, cumulatively, not more than five cubic yards of material within a particular stream in a single year. Prospecting or other non-motorized activities may be conducted only within the bed or wet perimeter of the waterway and must not occur at any site where fish eggs are present.

(7) Fish Passage and Fish Screening Structures in Essential Indigenous Anadromous Salmonid Habitat (ESH). Less than 50 cubic yards of removal-fill for construction or maintenance of fish passage and fish screening structures that are constructed, operated or maintained under ORS 498.306, 498.316, 498.326 or 509.600 to 509.645. This exemption includes removal of material that inhibits fish passage or prevents fish screens from functioning properly.

(8) Change in Point of Diversion for Surface Water. Fill or removal for a change in the point of diversion to withdraw surface water for beneficial use is exempt if the change in the point of diversion is:

(a) Necessitated by a change in the location of the surface water; and

(b) Authorized by the Oregon Water Resources Department.

(9) Removal of Large Wood. Removal of large woody debris is exempt if:

(a) It poses a direct and demonstrable danger to livestock, human life or real property; or

(b) It poses a risk of harm to transportation facilities including, but not limited to, culverts, bridges and roads located near or within the beds or banks of any waters of this state; or

(c) It prevents or obstructs navigation within the beds or banks of any waters of this state ; and

(d) The removal is no more than the amount necessary to reduce or eliminate the threat.

Stat. Auth.: ORS 196.825 & 196.600-196.692

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

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 8-2009, f. 12-15-09, cert. ef. 1-1-10;

DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12; DSL 3-2014, f.

8-14-14, cert. ef. 9-1-14

141-085-0534

Exemptions for Certain Voluntary Habitat Restoration Activities

(1) Definitions. For the purposes of this rule:

(a) "Habitat Restoration" means the return of an ecosystem from a disturbed or altered condition to a close approximation of its ecological condition prior to disturbance.

(b) "Voluntary" means activities undertaken by a person of their own free will, and not as a result of any legal requirement of the Removal-fill Law (ORS 196.600-196.990).

(2) Conditions of Exemption: Activities described in Sections (3) through (8) of this rule are exempt from permit requirements under the following conditions:

(a) Activities are not conducted in areas designated as State Scenic Waterways, unless listed as an exempt activity under ORS 390.835(5);

(b) In-water activities are conducted during the Oregon Department of Fish and Wildlife (ODFW) recommended in-water timing guidelines, unless otherwise approved in writing by ODFW;

(c) The in-water activities conform to ODFW fish passage requirements (ORS 509.580 through 509.910), unless otherwise approved in writing by ODFW;

(d) The activities will not convert waters of this state to uplands;

(e) The activities will cause no more than minimal adverse impact on waters of this state including impacts related to navigation, fishing, and public recreation;

(f) The activities will not cause the water to rise or be redirected in such a manner that it results in flooding or other damage to structures or substantial property off of the project site; and

(g) All necessary access permits, right of ways and local, state, and federal approvals have been obtained.

(3) Research and Fish Management in Essential Indigenous Anadromous Salmonid Habitat (ESH) is Exempt. A permit is not required for the construction and maintenance of scientific and research devices related to population management, watershed and habitat restoration, or species recovery, provided the activity does not exceed 50 cubic yards of removal-fill.

(4) Vegetative Planting. A permit is not required for planting native woody or herbaceous plants by hand or mechanized means. Ground alteration such as grading or contouring prior to planting is not covered by this exemption.

(5) Refuge Management. A permit is not required for habitat management activities located on a National Wildlife Refuge or State Wildlife Area that are consistent with an adopted refuge or wildlife area management plan. Fill or removal in waters of this state for non-habitat management activities such as roads and building is not covered by this exemption.

(6) Ditch and Drain Tile Removal. A permit is not required for the disruption or removal of subsurface drainage structures (e.g., drain tiles) and plugging or filling of drainage ditches in wetlands. Notification must be submitted on a form provided by the Department at least 30 calendar days prior to commencing the activity.

(7) Placement of Large Wood, Boulders and Spawning Gravels. A permit is not required for the placement of large wood, boulders and spawning gravels provided the material is placed consistent with the Guide to Placing Large Wood and Boulders (DSL/ODFW 2010). If the activity will exceed 50 cubic yards of removal-fill in waters of this state, or any amount in Essential Salmonid Habitat, notice of the activity must be provided to the Department. Notification must be submitted on a form provided by the Department at least 30 calendar days prior to commencing the activity.

(8) Other Activities Customarily Associated with Habitat Restoration in Essential Indigenous Anadromous Salmonid Habitat (ESH). A permit is not required for voluntary habitat restoration activities resulting in less than 50 cubic yards of removal-fill in waters of this state. This includes the disposal of material resulting from the restoration activities within the project area as long as it assists in accomplishing the objectives of the habitat restoration project. The activities must be consistent with the Oregon Aquatic Habitat Restoration and Enhancement Guide and utilize materials or structures that would naturally and/or historically occur at the project site. Notice of the activity must be provided, submitted on a form provided by the Department, at least 30 calendar days prior to commencing the activity.

(9) Removal of Trash, Garbage and Rubble. A permit is not required for the removal of any amount of inorganic trash, garbage and rubble (e.g., tires, metal, broken concrete, asphalt, foam, plastic) from waters of this state. The project must meet the following criteria:

(a) There are no adverse impacts to waters of this state or woody vegetation as a result of the project;

(b) There is no stockpiling of collected trash, garbage or rubble in waters of this state; and

(c) The trash and garbage is disposed of at a licensed Department of Environmental Quality collection facility.

Stat. Auth.: ORS 196.825 & 196.600-196.692

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

Hist.: DSL 8-2009, f. 12-15-09 cert. ef. 1-1-10; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-

2012, f. 9-28-12, cert. ef. 9-29-12; DSL 3-2014, f. 8-14-14, cert. ef. 9-1-14

141-085-0550

Application Requirements for Individual Permits

(1) Written Application Required. A person who is required to have an individual permit to remove material from the bed or banks, or fill any waters of this state, must file a written application with the Department for each individual project. A permit must be issued by the Department before performing any regulated removal-fill activity.

(2) Complete and Accurate Information Required. Failure to provide complete and accurate information in the application may be grounds for administrative closure of the application file or denial, suspension or revocation of the authorization.

(3) Fee Required for a Complete Application. For an application to be determined complete, the Department must have received the appropriate fee.

(4) Level of Detail Required May Vary. The applicant is responsible for providing sufficient detail in the application to enable the Department

ADMINISTRATIVE RULES

to render the necessary determinations and decisions. The level of documentation may vary depending on the degree of adverse impacts, the level of public interest and other factors that increase the complexity of the project.

(5) Required Information: A completed and signed application on current forms provided by the Department, including any maps, necessary photos and drawings, is required. The information must be entered in the appropriate blocks on the application form. The Department may require the applicant to submit any or all application materials electronically. The application must include all of the following:

(a) Applicant information including name, mailing address, phone number and e-mail address. When the applicant is a business entity, the business must be registered with the Oregon Secretary of State Corporate Division. The exact name of the business entity, as listed with Secretary of State Corporate Division, must be entered on the application.

(b) Landowner information including name and mailing address where any removal-fill activity is proposed, and if applicable, where permittee-responsible compensatory mitigation is proposed.

(A) For the construction of a new linear facility, the applicant must provide a complete list of landowner names and mailing addresses for all landowners whose land is identified in the permit application within the alignment of the new linear facility. Mailing labels must be provided when there are more than five landowners listed in the application.

(B) For the purpose of this rule, a condemner is the landowner when:

(i) If using state condemnation authority, the condemner has complied with ORS Chapter 35, filed an eminent domain action in court and deposited the condemner's estimate of just compensation with the court for the use and benefit of the defendants, or it has a court's order authorizing its possession of the land; or

(ii) If using federal authority, the condemner has complied with Federal Rules of Civil Procedure 71.1 and, if other than the United States, has a court's order authorizing its possession of the land.

(c) Project site location information including Township, Range, Quarter-quarter Section and Tax Lot(s), latitude and longitude, street location if any, and location maps with site location indicated.

(d) The location of any off-site disposal or borrow sites, if these sites contain waters of this state.

(e) Project information including:

(A) Description of all removal-fill activities associated with the project;

(B) Demonstration of independent utility to include all phases, projects or elements of the proposed project which will require removal-fill activities;

(C) Volumes of fill and removal within jurisdictional areas expressed in cubic yards;

(D) Area of removal and fill within jurisdictional areas expressed in acres to the nearest 0.01-acre for impacts greater than 0.01 of an acre or expressed in acres to the nearest 0.001-acre for impacts less than 0.01 of an acre; and

(E) Description of how the project will be accomplished including construction methods, site access and staging areas.

(f) A description of the project purpose and need for the removal or fill. All projects must have a defined purpose or purposes and the need for removal or fill activity to accomplish the project purpose must be documented. The project purpose statements and need for the removal or fill documentation must be specific enough to allow the Department to determine whether the applicant has considered a reasonable range of alternatives.

(g) Project plan views and cross-sectional views drawn to scale that clearly identify the jurisdictional boundaries of the waters of this state (e.g., wetland delineation or ordinary high water determination). Project details, such as work area footprint, impact area and approximate property boundaries must also be included so that the amount and extent of the impact to jurisdictional areas can be readily determined.

(h) A written analysis of potential changes that the project may make to the hydrologic characteristics of the waters of this state, and an explanation of measures taken to avoid or minimize any adverse impacts of those changes, such as:

(A) Impeding, restricting or increasing flows;

(B) Relocating or redirecting flow; and

(C) Potential flooding or erosion downstream of the project.

(i) A description of the existing biological and physical characteristics of the water resources, along with the identification of the adverse impacts that will result from the project.

(j) A description of the navigation, fishing and public recreation uses, when the project is proposed on state-owned land.

(k) If the proposed activity involves wetland impacts, a wetland determination or delineation report that meets the requirements in OAR 141-090 must be submitted, unless otherwise approved in writing by the Department. A wetland delineation is usually required to determine the precise acreage of wetland impact and compensatory wetland mitigation requirements. Whenever possible, wetland determination and delineation reports should be submitted for review well in advance of the permit application. Although an approved wetland delineation report is not required for application completeness, a jurisdictional determination must be obtained prior to the permit decision.

(l) A functions and values assessment that meets the requirements in OAR 141-085-0685 when permanent impacts to wetlands are proposed.

(m) Any information known by the applicant concerning the presence of any federal or state listed species.

(n) Any information known by the applicant concerning historical, cultural and archeological resources. Information may include but is not limited to a statement on the results of consultation with impacted tribal governments and/or the Oregon State Historic Preservation Office of the Oregon Parks and Recreation Department.

(o) An analysis of alternatives to derive the practicable alternative that has the least reasonably expected adverse impacts on waters of this state. The alternatives analysis must provide the Department all the underlying information to support its considerations enumerated in OAR 141-085-0565, such as:

(A) A description of alternative project sites and designs that would avoid impacts to waters of this state altogether, with an explanation of why each alternative is, or is not practicable, in light of the project purpose and need for the fill or removal;

(B) A description of alternative project sites and designs that would minimize adverse impacts to waters of this state with an explanation of why each alternative is, or is not practicable, in light of the project purpose and need;

(C) A description of methods to repair, rehabilitate or restore the impact area to rectify the adverse impacts; and

(D) A description of methods to further reduce or eliminate the impacts over time through monitoring and implementation of corrective measures.

(p) If applicable, a complete compensatory mitigation plan that meets the requirements listed in OAR 141-085-0680 through 141-085-0715 and 141-085-0765 to compensate for unavoidable permanent impacts to waters of this state and a complete rehabilitation plan if unavoidable temporary impacts to waters of this state are proposed.

(q) For each proposed removal-fill activity and physical mitigation site applied for in the application, a list of the names and addresses of the adjacent landowners, including those properties located across a street or stream from the proposed project.

(A) For a new linear facility, the applicant must provide a list of the names and mailing addresses of the adjacent landowners for the new linear facility.

(B) Mailing labels must be provided by the applicant, when there are more than five names and addresses of adjacent landowners listed.

(r) A signed local government land use affidavit.

(s) A signed Coastal Zone Certification statement, if the project is in the coastal zone.

(t) Applicant Signature. Signature of the applicant must be provided. If the application is on behalf of a business entity, a certificate of incumbency must be provided to certify that the individual signing the application is authorized to do so.

(u) Landowner Signature. If the applicant is not the landowner upon which the removal-fill activity (including mitigation) is to occur and does not hold an easement allowing the activity on that land, a written authorization from the owner of the land consenting to the application must be provided.

(A) Notwithstanding the requirement set forth under Subsection (u) above, a landowner signature is not required for applications for the construction and maintenance of linear facilities; and

(B) The condemner may sign as landowner when the requirements of OAR 141-085-0550(5)(b)(B) have been met.

(v) Mitigation Site Landowner Signature. If the applicant is not the owner of the land upon which the mitigation is to occur and does not hold an easement allowing the activity on that land, a written authorization from the owner of the land consenting to the application must be provided.

ADMINISTRATIVE RULES

(w) Inventory and Evaluation if Related to Marine Resources or Removal-Fill in Oregon's Territorial Sea. A resource inventory and effects evaluation consistent with the requirements contained in the Oregon Territorial Sea Plan Part 2 is required. The resource inventory and effects evaluation must be provided as a stand-alone attachment to the applicant's Joint Permit Application.

(6) Additional Requirements for Estuarine Fill. If the activity is proposed in an estuary for a non-water-dependent use, a complete application must also include a written statement that describes the following:

- (a) The public use of the proposed project;
- (b) The public need for the proposed project; and
- (c) The availability of alternative, non-estuarine sites for the proposed use.

(7) Additional Information as Requested. The Department may request additional information as necessary to make an informed decision on whether or not to issue the authorization.

(8) Waiver of Required Information. At its discretion, the Department may waive any of the information requirements listed in Section (5) of this rule for voluntary restoration projects.

(9) Permit Application Modifications. A modification to a permit application may be submitted at any time prior to the permit decision. If the modification is received after the public review period, the Department may circulate the revised application again for public review. Modifications proposing significantly different or additional adverse impacts will generally be resubmitted for public review. The Department may set an expedited time frame for public review.

(10) Pre-Application Conference. An applicant may request the Department to hold a pre-application meeting. In considering whether to grant the request, the Department will consider the complexity of the project and the availability of Department staff.

Stat. Auth.: ORS 196.825 & 196.600-196.665 & 196.692
Stats. Implemented: ORS 196.600-196.692 & 196.800-196.990
Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 8-2009, f. 12-15-09 cert. ef. 1-1-10; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12; DSL 3-2014, f. 8-14-14, cert. ef. 9-1-14

141-085-0560

Public Review Process for Individual Removal-Fill Permit Applications

(1) Circulation of the Application for Public Review. Once the application has been deemed complete and sufficient, the Department will provide notification of the availability of the application for review either by U.S. mail or electronically (e.g., facsimile, e-mail, posting on the Internet) to adjacent property owners, watershed councils, public interest groups, affected local government land use planning departments, state agencies, federal agencies and tribal governments in the geographic area affected by the permit. For construction and maintenance of linear facilities, landowners identified in the application will be notified by U.S. mail or electronically that the application is available for review. Upon request the Department may make a copy of the application available at the public library closest to the proposed project.

(2) Copies of the Application by Request. The Department will furnish to any member of the public, upon written request and at the expense of the member of the public, a printed copy of any application.

(3) Submitting Public Comments. To be considered by the Department and to become part of the permit record, all comments must be sent to the destination specified in the notification or submitted through the Web site. All recommendations and comments regarding the application must be submitted in writing to the Department within the period established by the Department, but not more than 30 calendar days from the date of the notice, except as noted under Subsection (a), below:

(a) The Department will grant an extension of up to 75 calendar days to the Department of Environmental Quality if the application requires Section 401 certification under the Federal Water Pollution Control Act (P.L. 92-500) as amended.

(b) If a commenter fails to comment on the application within the comment period, the Department will assume the commenter has no objection to the project.

(4) Department Review of Public Comments and Public Hearing. The Department will review and consider substantive comments received during the public review period, and may conduct any necessary investigations to develop a factual basis for a permit decision. Necessary investigations may include but are not limited to the following:

(a) The Department may, as a result of the public review process or the Department's investigations, request that the applicant submit supplemental information and answer additional questions prior to the Department making the permit decision.

(b) The Department may schedule a permit review coordination meeting with interested agencies or groups and the applicant to provide the applicant an opportunity to explain the project and to resolve issues; and

(c) At the Department's discretion, the Department may hold a public hearing to gather necessary information that may not otherwise be available to make a decision.

(5) Applicant Response to Comments.

(a) Comments resulting from the public review process will be forwarded to the applicant after the comment period deadline.

(b) The applicant may, at his or her discretion, respond to public and agency comments. The response may be in the form of additional information to support the application and/or revisions to the project that address the comments.

(c) If no response is received from the applicant by the date specified by the Department, the Department will presume that the applicant does not intend to provide additional supporting information or revisions to the application.

(6) Final Review.

(a) Unless the timeline is extended as provided below in Subsection (b), the Department will make a final permit decision within 90 calendar days after determining an application is complete;

(b) The permit decision deadline may be extended beyond 90 calendar days when the applicant and the Department agree to an extension.

(c) If the Department does not approve an extension, the Department will make a final permit decision based upon the record as it existed within:

(A) The original 90-day time period; or

(B) The extension period approved immediately prior to the applicant's most recent request for an extension.

(7) Application Withdrawal. An applicant may withdraw an application at any time prior to the permit decision. In the event the applicant fails to respond to the Department's requests for information or otherwise fails to reasonably proceed with the application process, the Department may administratively withdraw the application with at least 30 calendar days' notice to the applicant. There will be no refund of the application fee in either case.

Stat. Auth.: ORS 196.825 & 196.600 - 196.692

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

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12; DSL 3-2014, f. 8-14-14, cert. ef. 9-1-14

141-085-0575

Permit Appeals

(1) Applicant Appeal Within 21 Calendar Days. An applicant may request a contested case proceeding if they object to an application incompleteness determination, permit decision or permit condition imposed by the Department. The request must be in writing and must be received by the Department within 21 calendar days of the decision.

(2) Other Person Appeal Within 21 Calendar Days. Any person who is aggrieved or adversely affected by the Department's final decision concerning an individual permit or a condition therein may request a contested case proceeding. The request must be in writing and must be received by the Department within 21 calendar days of the decision.

(3) Standing in Contested Case. For a person other than the applicant to have standing to request a contested case, the person must be either "adversely affected" or "aggrieved":

(a) To be "adversely affected" by the Department's individual removal-fill permit decision, the person must have a legally protected interest that would be harmed, degraded or destroyed by the authorized project.

(b) To be "aggrieved" by the Department's individual removal-fill permit decision the person must have participated in the Department's review of the project application by submitting timely written or verbal comments stating a position on the merits of the proposed removal-fill to the Department.

(4) Contents of the Request. The Department has determined that due to the complexity of removal-fill permitting, a general denial of the matters alleged in the request for a contested case proceeding does not provide sufficient information for a fair and efficient contested case and a more specific request is warranted. All requests for a contested case proceeding under this section shall include a specific list of issues for the contested case proceeding. The requester may amend their request to include additional issues or clarify existing issues within 15 days of the date that the case is referred to the Office of Administrative Hearings.

(5) Contested Case Proceeding. If the written request for a contested case proceeding is timely, clearly identifies at least one specific issue, and

ADMINISTRATIVE RULES

was made by an eligible person, the matter will be referred to the Office of Administrative Hearings. The contested case will be conducted as follows:

(a) The hearing will be conducted as a contested case pursuant to OAR 137-003-0501 through 137-003-0690 and this rule;

(b) The permit holder and any other persons that are adversely affected or aggrieved that have filed a timely written request for a contested case proceeding will be parties to the proceeding; and

(c) An Administrative Law Judge will conduct a contested case proceeding only on the specific issues clearly identified in the request for contested case proceeding as provided in subsection (4) of this section or in the referral from the Department.

(6) Review of Jurisdictional Determinations. Jurisdictional determinations of the existence, or boundaries, of the waters of this state on a parcel of property, issued more than 60 calendar days before a request for a contested case proceeding are final. Jurisdictional determinations are judicially cognizable facts of which the Department may take official notice under ORS 183.450(3) in removal-fill contested cases. Challenges to jurisdictional determinations are only permitted under the process set out in OAR 141-090.

(7) The Proposed Order. The Administrative Law Judge will issue a proposed order containing findings of fact and conclusions of law. If the request for a contested case proceeding was filed by a person other than the applicant, with a legally protected interest that is adversely affected by the issuance of the permit, the Administrative Law Judge shall issue a proposed order within 20 business days of the evidentiary hearing. Other proposed orders should be issued within 90 calendar days of a ruling that resolves all issues of the evidentiary hearing. As required by ORS 183.460, the proposed order shall provide an opportunity to file written exceptions with the Department.

(8) Amended Proposed Order. The Department may issue an amended proposed order. Any amended proposed order shall provide an opportunity to file written exceptions with the Department.

(9) The Final Order. The Department will consider the record, any exceptions, and enter a final order containing findings of fact and conclusions of law. The final order will rescind, affirm or modify the permit or proposed order. If the request for a contested case proceeding was filed by a person other than the applicant, with a legally protected interest that is adversely affected by the issuance of the permit, the Department shall issue the final order within 45 business days after the evidentiary hearing, if any. All other final orders should be issued within 90 calendar days of the proposed order or amended proposed order.

(10) Pre-Hearing Suspension of Permits. A permit granted by the Department may be suspended by the Department during the pendency of the contested case proceeding. Petitions for suspension must be made to the Department and will be either granted or denied by the Department. The permit will not be suspended unless the person aggrieved or adversely affected by issuance of the permit makes a showing before the Department by clear and convincing evidence that commencement or continuation of the fill would cause irreparable damage and would be inconsistent with ORS 196.800 through 196.990.

(11) Issuance or Denial of a Permit. Interested persons who request notification in writing of the Department's decision on a permit will be notified at the time of issuance or denial. The Department's failure to notify an interested person will not extend any timeframe for a request for a contested case proceeding.

Stat. Auth.: ORS 196.825 & 196.600 – 196.692
Stats. Implemented: ORS 196.600 - 196.692 & 196.800 - 196.990
Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 8-2009, f. 12-15-09 cert. ef. 1-1-10; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2014, f. 8-14-14, cert. ef. 9-1-14

141-085-0680

Compensatory Wetland and Tidal Waters Mitigation (CWM); Applicability and Principal Objectives

(1) Applicability. OAR 141-085-0680 through 141-085-0760 applies to removal-fill that occurs within wetlands and tidal waters and applies to all forms of compensatory mitigation (i.e., mitigation bank, in-lieu fee mitigation, advance mitigation, permittee responsible mitigation, and payment in-lieu mitigation). OAR 141-085-0680 through 141-085-0760 does not apply to removal-fill within areas covered by an approved Wetland Conservation Plan.

(2) Principal Objectives for CWM. For projects where impacts to wetlands or tidal waters cannot be avoided, CWM will be required to compensate for the reasonably expected adverse impacts in fulfillment of the following principal objectives. The principal objectives of CWM are to:

(a) Replace functions and values lost at the removal-fill site;

(b) Provide local replacement for locally important functions and values, where appropriate;

(c) Enhance, restore, create or preserve wetlands or tidal areas that are self-sustaining and minimize long-term maintenance needs;

(d) Ensure the siting of CWM in ecologically suitable locations considering: local watershed needs and priorities; appropriate landscape position for the wetland types, functions and values sought; connectivity to other habitats and protected resources; and the absence of contaminants or conflicting adjacent land uses that would compromise wetland functions; and

(e) Minimize temporal loss of wetlands and tidal waters and their functions and values. (b) Applicants must demonstrate how the selected method of CWM (i.e., mitigation bank, in-lieu fee mitigation, advance mitigation, permittee-responsible mitigation and payment in-lieu mitigation) addresses the principal objectives.

(3) General Requirements.

(a) Permittee-responsible CWM at an off-site location will be located within the 4th field Hydrologic Unit Code (HUC) in which the removal-fill site is located.

(b) Impacts to tidal waters must be replaced in the same estuary unless the Director determines that it is environmentally preferable to exceed this limitation.

(c) Projects that involve 0.20 acres or less of permanent wetland impact may use mitigation banks, in-lieu fee, or payment in-lieu mitigation without addressing the principal objectives set forth in Section (2) of this rule.

(d) Payment in-lieu mitigation or in-lieu fee credits for which the Department is the sponsor may not be used if appropriate mitigation bank credits are available on the day that the public review period closes.

Stat. Auth.: ORS 196.825 & 196.600-196.692
Stats. Implemented: ORS 196.600-196.692 & 196.800-196.990
Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 8-2009, f. 12-15-09, cert. ef. 1-1-10; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12; DSL 3-2014, f. 8-14-14, cert. ef. 9-1-14

141-085-0725

Process for Establishing Mitigation Banks

(1) Pre-prospectus Meeting with the Department. To initiate a mitigation bank, a prospective bank sponsor must request a meeting with the Department for initial review of the mitigation concept, site suitability, and content of the Prospectus.

(2) Department Review of Draft Documents, Generally. The process for establishing a mitigation bank involves the development of a Prospectus and Mitigation Bank Instrument (MBI) in consultation with an interagency review team (IRT). In an effort to supply the IRT with complete documents that meet the requirements of these rules, multiple drafts and completeness reviews may be required.

(3) Submittal of the Prospectus. After discussion of the mitigation concept with the Department, a mitigation bank sponsor must submit a Mitigation Bank Prospectus. A Mitigation Bank Prospectus must include:

(a) Site information including location, size, ownership, soil mapping, and recent air photo;

(b) The objectives of the proposed mitigation bank;

(c) How the mitigation bank will be established and operated, in general terms;

(d) The proposed service area;

(e) A market or other analysis that demonstrates the general need for the mitigation bank;

(f) A description of the technical feasibility of the proposed mitigation bank;

(g) The proposed ownership arrangements and long-term management strategy for the mitigation bank;

(h) How the mitigation bank addresses each of the principal objectives for CWM listed in OAR 141-085-0680; and

(i) Names and addresses of all landowners within 500 feet of the bank.

(4) Prospectus Completeness Review. Within 30 calendar days of the Department's receipt of a Prospectus, the Department will conduct an initial review to determine if the Prospectus is complete and the information contained in the Prospectus adequately addresses the requirements. Following the Prospectus completeness review, the Department will inform the applicant of one of the following findings:

(a) The Prospectus is complete and will proceed to the public notice; or

(b) The Prospectus is incomplete.

(5) Incomplete Prospectus. If the Department determines that the Prospectus is incomplete, the Department will notify the sponsor in writing

ADMINISTRATIVE RULES

and list the missing or deficient information. The Department will take no action on the incomplete Prospectus until the required information is submitted. The sponsor must resubmit the entire amended Prospectus for reconsideration, unless instructed by the Department to do otherwise. Submission of a new or amended Prospectus starts a new 30 calendar day initial review period.

(6) Department May Decline to Participate. If a mitigation bank sponsor cannot demonstrate the need for the mitigation credits or the technical feasibility and ecological desirability of the bank, the Department may decline to participate in its development.

(7) Public Notice of Prospectus. Upon determining that a Prospectus is sufficient, the Department will issue a public notice entitled, "Intent To Create A Mitigation Bank." The Department will:

(a) Post the notice on the Department's web site for 30 calendar days;

(b) Send the notice to city and county planning departments, affected state and federal natural resource and regulatory agencies, adjacent landowners, conservation organizations and other interested persons requesting such notices;

(c) Briefly describe the proposed mitigation bank and reference the Prospectus provided by the bank sponsor; and

(d) Solicit comments for 30 calendar days from the date of the public notice.

(8) Consideration of Comments Received During the Public Notice Period. All comments received will be provided to the bank sponsor and to the IRT. If comments are not received from an interested party within the 30-day comment period, the Department will assume the entity does not desire to provide comments.

(9) Establishment of an Interagency Review Team (IRT) and the Role of the IRT. The Department will invite participants to serve on an IRT within 30 calendar days of the date of the public notice. The Department will serve as chair (or co-chair) of the IRT.

(a) The Department will invite each of the following agencies to nominate a representative for an IRT:

(A) Oregon Department of Environmental Quality;

(B) Oregon Department of Fish and Wildlife;

(C) Oregon Department of Land Conservation and Development;

(D) U.S. Fish and Wildlife Service;

(E) U.S. Environmental Protection Agency;

(F) Soil and Water Conservation District; and

(G) Local Government Planner, or equivalent.

(b) The Department may appoint other members of the IRT based on the nature and location of the project, particular interest in the project by persons or groups, and/or any specific expertise that may be required by the Department in development of the MBI.

(c) The IRT acts in an advisory capacity to the Department in the establishment and operation of mitigation banks. The IRT may:

(A) Review and provide input to the Department on the Prospectus and the comments received during the public notice for use in the development of the MBI;

(B) Review and provide input on the draft MBI;

(C) Review the performance of the bank to assist the Department in determining compliance with the MBI; and

(D) Provide input on adaptive management of the mitigation bank, as necessary, to achieve the ecological goals and objectives.

(10) Mitigation Bank Instrument (MBI). After consideration of the public comments and input from the IRT, the bank sponsor must develop a Draft Mitigation Bank Instrument (MBI) for submittal to the Department. If the sponsor intends that the MBI serve as the permit application, the sponsor must notify the Department of this intention at the time of submittal of the first draft MBI. If an MBI is used in place of a permit application, in addition to all requirements below, it must meet the requirements for fees, content, and review procedures as specified in OAR 141-085-0545 through 141-085-0565. The draft MBI must contain:

(a) If the proposed bank is for wetland mitigation, all requirements for CWM plans per OAR 141-085-0680 through 141-085-0710; and

(b) The applicant must also provide the following information:

(A) The proposed service area for the bank, including a map clearly showing recognizable geographic place names and watershed boundaries;

(B) Demonstration of the need for the bank as shown by past removal-fill activities, projected demographics for the proposed service area, statements of expected activities from the local planning agency, and like documentation;

(C) A description of the projected wetland losses in the service area by HGM and Cowardin wetland classes;

(D) Proof of ownership including a title report and disclosure of any and all liens or easements on the bank site. If the sponsor does not own the land, the MBI must contain explicit legal and recordable permission granted by the landowner to perpetually dedicate the land upon which the proposed bank and any associated buffer is located;

(E) A description of the methods and results of the evaluation of ecological stressors, such as contaminants, present at the bank site that could compromise the wetland functions;

(F) Description of the location and plant community composition of reference site(s), unless an HGM reference data set is used;

(G) Description of the method(s) used to determine the number of credits to be created at the proposed bank, as well as those that will be used to account for and report credit and debit transactions;

(H) The proposed credit release schedule linked to achievement of specific performance standards;

(I) Detailed contingency plans describing how project deficiencies or performance failures will be corrected, including assignment of responsibilities for failures such as floods, vandalism, damage by pests and wildlife, invasion by weedy vegetation, etc.;

(J) Land use affidavit;

(K) A statement indicating when each of the conditions of the MBI will terminate, unless they are perpetual in nature; and

(L) A draft interagency bank instrument agreement following the current template document provided by the Department. Exceptions to the template must be approved in writing by the Department.

(11) Review of the Draft MBI. Within 30 calendar days of the Department's receipt of a draft MBI, the Department will conduct an initial review to determine if the MBI is complete and the information contained in the MBI adequately addresses the requirements. Following the review, the Department will inform the sponsor of its findings, either:

(a) The draft MBI is complete and will proceed to the IRT review process; or

(b) The draft MBI is incomplete.

(12) Incomplete Draft MBI. If the Department determines that the draft MBI is incomplete or deficient, the Department will notify the sponsor in writing and list the missing or deficient information. The Department will take no action on the incomplete draft MBI until the required information is submitted. The applicant must resubmit the entire draft MBI for reconsideration, unless instructed by the Department to do otherwise. Submission of a new or amended draft MBI starts a new 30 day review period.

(13) IRT Review of the Draft MBI. Upon notification that the draft MBI is complete, the sponsor must provide copies to the IRT for review. At the next available IRT meeting, the IRT will review and discuss the draft MBI and identify any issues that need to be resolved prior to finalizing the MBI. IRT meetings will be held as necessary to resolve issues identified by the co-chairs.

(14) Preparation of the Final MBI. When revisions have been completed and issues identified through the IRT process have been resolved, the sponsor must submit a final MBI to the Department and IRT members.

(15) Final Approval of the MBI. Within 30 calendar days of receipt of the final MBI, the Department will notify the sponsor and the IRT whether the agency will approve the MBI.

(16) Appeal of Department Decision. Appeals of the Department decision to affirm or deny mitigation bank approval will be administered according to OAR 141-085-0575.

(17) Construction Timing. At their own risk, a sponsor may begin construction of a bank before approval of the final MBI if the sponsor:

(a) Provides the Department with detailed documentation of the baseline conditions existing at the proposed site(s) of the bank; and

(b) Receives written consent from the Department before undertaking any construction. However, such consent from the Department does not exempt the sponsor from having to apply for, and obtain a removal-fill permit, if required. Written consent from the Department recognizes the sponsor's intent to create a bank but does not guarantee subsequent approval of the MBI by the Department. The Department assumes no liability for the sponsor's actions.

Stat. Auth.: ORS 196.825 & 196.600-196.692

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

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 8-2009, f. 12-15-09, cert. ef. 1-1-10; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12; DSL 3-2014, f. 8-14-14, cert. ef. 9-1-14

141-085-0735

Release, Use and Sale of Mitigation Credits

(1) Initial Release of Credits Must Be Specified in the MBI. The maximum number of credits that may be released for sale in advance of

ADMINISTRATIVE RULES

achieving performance standards will be clearly specified in the MBI. In no case may this amount exceed 30 percent of the total credits anticipated for each phase of bank construction. Advance releases require a commensurate financial security per OAR 141-085-0700.

(2) Release of Credits Must Be in Compliance with MBI. The Department will not allow the sale or exchange of credits by a mitigation bank that is not in compliance with the terms of the MBI, the Removal-Fill Law, and in the case of a wetland mitigation bank, all applicable rules governing CWM. The Department may consult with the IRT in order to determine noncompliance and appropriate remedies, including enforcement action. The Department may, in consultation with the IRT, modify the credit release schedule, including reducing the number of credits or suspending credit transfers, when necessary to ensure that all credit transfers are backed by mitigation projects with a high probability of meeting performance standards.

(3) Sales to Permit Applicants. After credits have been released to the bank sponsor, they may be sold to permit applicants upon approval by the Department that such credits will satisfy the mitigation obligation of a specific permit, or to resolve an enforcement case. Each credit sale transfers the mitigation obligation from the permit applicant to the sponsor.

(4) Sales to Public Benefit Corporations or Public Bodies. At the request of a mitigation bank sponsor, the Department may authorize the withdrawal of mitigation bank credits by a public benefit corporation as defined in ORS 65.001 or a public body. Such entities will be designated by the Director for the purpose of reserving credits for future use in accordance with this subsection. The Director will manage such transactions to ensure that each credit is used no more than once to satisfy a use in accordance with this section. Mitigation Banks must report every credit sale to the Department and will provide an annual credit ledger.

(5) The Department May Purchase Bank Credits. Funds from the Oregon Removal Fill Mitigation Fund may be used to purchase approved bank credits where such purchases will provide appropriate compensatory mitigation.

(6) Records and Reporting. The Department will maintain a record of credit releases and withdrawals for each active wetland mitigation bank.

Stat. Auth.: ORS 196.825 & 196.600-196.692

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

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 8-2009, f. 12-15-09, cert. ef. 1-1-10; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12; DSL 3-2014, f. 8-14-14, cert. ef. 9-1-14

141-085-0750

Payments to and Expenditures from the Oregon Removal-Fill Mitigation Fund

The Department will use the Oregon Removal-Fill Mitigation Fund to hold and disperse money collected from the Payment In-Lieu (PIL) and In-Lieu Fee (ILF) Mitigation programs sponsored by the Department.

(1) Payments. The Department will calculate payments for PIL and ILF based on:

(a) Actual costs and expenses of the off-site compensatory mitigation divided by the number of credits anticipated from the mitigation if these are known at the time of the payment, or

(b) Estimated costs and expenses for off-site compensatory mitigation for the region of the state where the Department, to the greatest extent practicable, determines the off-site compensatory mitigation may be conducted.

(c) Estimated costs and expenses for off-site compensatory mitigation will be assessed based on the formula: $\text{Payment} = [A + R + \text{RMV} + \text{LT}] \div \text{mm}$, where:

A = Administrative Costs calculated as 10% of the sum of R, RMV and LT;

R = Restoration Costs calculated as the sum of all anticipated costs per unit area.

Anticipated costs include but are not limited to project design and engineering, construction, planting, and seven years of monitoring and maintenance. These costs will be based on a biennial survey of regional project data submitted to the Oregon Watershed Restoration Inventory, The Conservation Registry, projects funded by the Department, and/or surveys of restoration consulting firms and practitioners;

RMV = Real Market Value per acre of the unimproved land for which a permit is being issued as determined by the county assessor's office;

LT = Long-Term Management Costs calculated as 30% of the Restoration Costs (R),

mm = Mitigation Multiplier representing the number of credits typically generated per unit area of mitigation conducted. The default will be 0.33 based on the Department's minimum ratios for compensatory wetland mitigation.

(2) Limitations on Oregon Removal-Fill Mitigation Fund Expenditures. The Department will expend funds from the Oregon Removal-Fill Mitigation Fund to:

(a) Restore, enhance, create or preserve water resources of this state (including acquisition of land or easements as necessary to conduct restoration, enhancement, creation or preservation projects) as compensatory mitigation to compensate, replace or preserve functions and values lost or diminished as result of an approved project;

(b) Purchase credits from an approved mitigation bank for the purpose of fulfilling the mitigation requirements of an approved project;

(c) Monitor the compensatory mitigation;

(d) Conduct site management for the compensatory mitigation project as necessary to assure that the mitigation is successful; and

(e) Administer the program and fund a staff position.

(3) Geographic Limitations of Funds Expenditures. The Department will expend funds collected under the PIL option within the basin where the removal-fill site occurs, unless the Department determines that this option is not feasible.

Stat. Auth.: ORS 196.825 & 196.600-196.692

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

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 8-2009, f. 12-15-09, cert. ef. 1-1-10; DSL 3-2014, f. 8-14-14, cert. ef. 9-1-14

141-085-0755

Advance Mitigation

(1) Set-Aside Excess Credits. As part of the existing, active individual removal-fill permit application process, an applicant may request that the Department consider that the proposed permittee-responsible CWM (as documented in a CWM Plan prepared in accordance with OAR 141-085-0705) could produce mitigation credits in excess of those needed to satisfy project requirements.

(2) Additional Information Required. If the applicant desires to preserve the option of receiving additional mitigation credit from the excess credits for future projects by the same applicant and by up to one additional party, then the following additional information must be submitted as a part of the applicant's CWM plan:

(a) The specific area(s) of the CWM site that compensates for the specific permitted effect, and identification of the specific areas of the CWM site that are proposed for credit in future projects;

(b) A table showing how much credit, in acres under suitable mitigation ratios, is being claimed at the CWM site; and

(c) The name of any additional person who would use the advance credits.

(3) Applicant Assumes All Risk. If the applicant elects to pursue this option, he/she does so completely at his/her own risk. CWM in advance does not create the presumption that a proposed future wetland impact will be authorized, or that the CWM will be considered suitable CWM. A separate alternatives analysis will be required for each and every separate individual removal-fill permit application.

(4) Monitoring Requirements. Monitoring to determine if success criteria are met must continue for five years or until the success criteria are achieved, whichever is longer. Such monitoring requirements will apply to each designated mitigation area, or for the entire mitigation site if constructed at one time.

(5) Conversion of Unused Credits. Unused credits created by standard path advance mitigation may be converted to alternate path mitigation credits at the discretion of the Department and in accordance with OAR 141-085-0760.

Stat. Auth.: ORS 196.825 & 196.600-196.692

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

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12; DSL 3-2014, f. 8-14-14, cert. ef. 9-1-14

141-085-0768

Advance Aquatic Resource Plans

(1) Purpose. The purpose of an Advance Aquatic Resource Plan is to create a flexible framework for persons to voluntarily plan for anticipated future water resource; development conflicts within a defined planning area; identify and characterize water resources; make necessary decisions now to avoid and minimize those conflicts to the extent practicable; and develop a compensatory mitigation strategy to offset the anticipated unavoidable impacts to water resources. An approved Advance Aquatic Resource Plan is intended to inform and streamline future removal-fill permit application processes for projects within a defined planning area. The Advance Aquatic Resource Plan is not intended to replace the Wetland Conservation Plan (ORS 196.668 et seq.) as a wetland conservation planning tool where binding local land use decisions are sought.

(2) Outcomes.

(a) The Department's approval of an Advance Aquatic Resource Plan pursuant to this section may provide regulatory outcomes which include, but are not limited to:

(A) Jurisdictional determinations pursuant to OAR 141-090.

(B) Reduction in removal-fill permit application processing timelines otherwise established by OAR 141-085 for projects within the Advance Aquatic Resource Plan area.

ADMINISTRATIVE RULES

(C) Modification of the application completeness requirements otherwise established by OAR 141-085 for projects within the Advance Aquatic Resource Plan area.

(D) Consideration of the approved Advance Aquatic Resource Plan when applying criteria for issuance of a permit pursuant to ORS 196.825 for projects within the Advance Aquatic Resource Plan area.

(b) Approval of an Advance Aquatic Resource Plan will not authorize removal-fill activity within the Plan area.

(3) Standards for Establishing Advance Aquatic Resource Plans.

(a) Required Minimum Content. The level of analysis required for each content element is only broadly defined by this administrative rule. It is the Department's intent that Advance Aquatic Resource Plans will be a flexible tool with the level of analysis customized to meet the specific planning goals, purpose, and needs for the defined area, and considering the outcomes sought from the Department. An Advance Aquatic Resource Plan will include the following minimum content unless otherwise approved in writing by the Department:

(A) Advance Aquatic Resource Plan Sponsor. The Advance Aquatic Resource Plan will identify the person acting as the Plan sponsor. The sponsor will: coordinate land owners and local government participation in Plan development; coordinate with the Department and other affected local, state and federal agencies through Plan development process; administer the Technical Advisory Committee created pursuant to this section; and be responsible for Advance Aquatic Resource Plan content, execution, reporting, amendments, and renewals as may be required.

(B) Advance Aquatic Resource Plan Goals, Purpose and Need. The Advance Aquatic Resource Plan will: establish a comprehensive set of goals for the effort including both conservation and development objectives; describe the purpose for developing an Advance Aquatic Resource Plan for the defined area; identify what public need(s) the Plan seeks to fulfill; and, describe outcomes sought from the Department by approval of the Plan.

(C) Coverage Area. The Advance Aquatic Resource Plan will define, in text and map form, the geographic boundaries of the Advance Aquatic Resource Plan coverage area. An Advance Aquatic Resource Plan will not include lands planned or designated for farm or forest uses, or mixed farm and forest uses, pursuant to goals adopted by the Land Conservation and Development Commission under ORS 197.225.

(D) Activity Types. The Advance Aquatic Resource Plan will describe the types of removal-fill activities or projects intended to be addressed by the Advance Aquatic Resource Plan.

(E) Identification of Waters of This State. Unless otherwise approved by the Department, waters of this State within the coverage area will be identified, at a minimum, to the standards defined in a subset of the local wetlands inventory standards and guidelines that are described in (OAR 141-086-0180 through OAR 141-086-0240) as designated by the Department. At the discretion of the Advance Aquatic Resource Plan sponsor and with input from the Department, boundaries may be defined by a complete delineation pursuant to OAR 141-090, and therefore meet requirements for future removal-fill authorizations pursuant to (4)(c)(D) of this section.

(F) Characterization of Waters of This State. Wetland functions and values will be evaluated using the Oregon Rapid Wetland Assessment Protocol. Other methods may be allowed at the discretion of the Department. Non-wetland waters of this State will be functionally assessed using methods approved by the Department. Other ecological evaluation parameters will be defined in consultation with the Department and Technical Advisory Committee created pursuant to this section, depending on natural resource characteristics of the Plan area and the defined goals, purpose and need for the Advance Aquatic Resource Plan.

(G) Avoidance and Minimization Strategy. The Advance Aquatic Resource Plan will:

(i) Describe the methodology and results for identifying protection or development of wetlands and other Waters of This State considering, at least, the characterization results from (3)(a)(F) of this section and anticipated development needs for the coverage area. Protection and development identifications may be further refined at the Plan sponsor's discretion and with input from the Technical Advisory Committee created pursuant to this section.

(ii) Include text and maps illustrating designation results and the rationale for each protection and development identification.

(iii) Identify buffers as necessary to maintain, protect or restore the functions and values of waters of this State around identified protection areas, and describe proposed uses to be allowed in the buffer areas.

(iv) Include demonstration that practicable, less damaging alternatives, including alternative locations for development, are not available for any waters of this State that are proposed for a development identification.

(v) Include a description of proposed best management practices that will ensure that the adverse effects to waters of this State, where not avoidable, will be minimized.

(vi) Include description of proposed allowed, conditional and disallowed uses for protection and development identification categories.

(H) Compensatory Mitigation Plan. The Advance Aquatic Resource Plan will describe how anticipated future adverse impacts to Waters of this State within the coverage area will be mitigated. This portion of the Plan may be conceptual in nature or it may have sufficient detail so that it satisfies all of the requirements that are specified in OAR 141-085 for compensatory mitigation plans. The level of mitigation planning will be determined at the discretion of the Advance Aquatic Resource Plan sponsor and with input from the Department considering the goals, purpose and need for the Advance Aquatic Resource Plan and the desired outcome(s) sought from the Department. The compensatory mitigation plan must, at a minimum, address the principal objectives for compensatory mitigation specified in OAR 141-085-0680(2).

(I) Public Involvement Plan. The Advance Aquatic Resource Plan will describe a plan for engagement with affected local, state and federal government agencies, affected tribal governments and the public through the planning process.

(J) Other Advance Aquatic Resource Plan Elements. Other elements may include, but are not limited to: cultural resources evaluations, storm water management planning as may be required for future Clean Water Act Section 401 water quality certifications, biological assessments for Endangered Species Act compliance, and environmental contamination assessments.

(b) Department Approval Prior to Initiating Planning Work. A person intending to develop an Advance Aquatic Resource Plan shall consult with the Department before initiating the planning work. The purpose of this consultation is to ensure that an Advance Aquatic Resource Plan is the appropriate planning tool; that the scope and scale of the Plan is commensurate with the goals, purpose, need and desired outcomes; and that sufficient Department resources are available. The Department may, in its discretion, decline to participate in developing an Advance Aquatic Resource Plan for any reason, including for example, that the Department determines that there are not adequate staff resources available or that an Advance Aquatic Resource Plan is not a suitable tool for the identified need. The decision to participate or decline to participate will be made in writing by the Department within 30 days of receiving a written request. The Department's decision whether to participate is a final order in other than a contested case and may be appealed as provided in ORS Chapter 183. An Advance Aquatic Resource Plan will only proceed with an affirmative statement of Department participation.

(c) Technical Advisory Committee Participation. The Advance Aquatic Resource Plan sponsor will establish and convene an advisory body to provide input on Advance Aquatic Resource Plan content and development. At a minimum, advisory committee membership will include (to the extent these agencies desire involvement or unless otherwise approved by the Department): Department of State Lands, Department of Fish and Wildlife, Department of Environmental Quality, Department of Land Conservation and Development, US Army Corps of Engineers, National Marine Fisheries Service, US Fish and Wildlife Service. Membership may additionally include, but is not limited to: land owners or their representative(s) within the Advance Aquatic Resource Plan coverage area; applicable local government staff; local watershed council(s) representative; business representatives, conservationist or environmental interests, affected tribal governments, and elected officials. Other membership will be at the discretion of the Advance Aquatic Resource Plan sponsor.

(4) Approval Process for Advance Aquatic Resource Plans.

(a) Submittal Requirements. A completed Advance Aquatic Resource Plan will be submitted to the Department in the form, manner and number prescribed by the Department. Submittals will be processed as a request for a proposed order of the director.

(b) Completeness and Technical Sufficiency Review.

(A) The Department will conduct a review to determine if all required Advance Aquatic Resource Plan elements are complete and technically sufficient to prepare a draft order of the director.

(B) If the Department determines that the Advance Aquatic Resource Plan is incomplete or technically insufficient, the Department will notify the Advance Aquatic Resource Plan sponsor in writing including identifi-

ADMINISTRATIVE RULES

cation of issues and provide opportunity for re-submittal. This determination does not preclude further agency consideration of the subject matter.

(c) Draft Order

(A) In developing the Draft Order, the Department will evaluate the information contained in the Advance Aquatic Resource Plan and conduct any investigation that the Department considers appropriate.

(B) In developing the Draft Order, the Department will consult with affected local, state and federal agencies and affected tribal governments to assess any potential effects of the Advance Aquatic Resource Plan on those entities' programs, policies or requirements.

(C) If the Advance Aquatic Resource Plan is complete and technically sufficient, the Department will prepare a draft order including at least the following elements:

(i) Findings of compliance or noncompliance with the determinations described in (4)(e)(B) of this section.

(ii) A summary of the Advance Aquatic Resource Plan coverage area and activity types addressed by the Plan.

(iii) A description of other eligibility criteria or standards for projects involving removal or fill activity to be included in the Advance Aquatic Resource Plan.

(iv) Jurisdictional determinations of presence or absence of waters of this State or approval of boundaries of waters of this State, depending on level of identification conducted pursuant to (3)(a)(E) of this section. All remaining requirements to obtain wetland delineations for future removal-fill applications will be defined.

(v) A description of standards by which future applications for removal-fill authorizations will be processed including the requirements for when an application will be determined complete, and whether the Department will shorten its processing timelines. At the Department's discretion, application completeness requirements may be reduced to the extent such information is already provided in the Advance Aquatic Resource Plan. The information included in future removal-fill application must be sufficient to allow the Department consider the factors listed in ORS 196.825(3), to consider any other factors identified by the Department, and to make the determinations that are listed in ORS 196.825(1). At the Department's discretion, applications for future removal-fill authorization may be processed on a shorter timeline than otherwise established by OAR 141-085 except that public review requirements pursuant to OAR 141-085 will always apply.

(vi) Any general conditions that are identified in the Advance Aquatic Resource Plan for activities addressed by the Plan.

(vii) A description of the annual reporting requirements, amendment process, and 5-year renewal process for the approved Advance Aquatic Resource Plan.

(viii) Grounds and mechanisms for suspension or revocation of the order.

(ix) Any other conditions of, or limitations to, the order that the Department determines are appropriate.

(d) The draft order shall be released for a 30-day public comment period prior to finalization. The form and manner of public noticing shall be determined by the Department. After completion of the public comment period, the Sponsor shall be provided the opportunity to respond to public comments received. The Department may release an amended draft order for a second 30-day public comment period if the Department determines that significant changes to the draft order warrant a second comment period.

(e) Final Order. A final order will approve, approve with conditions, or deny the Advance Aquatic Resource Plan.

(A) If denied, the director shall identify the reasons for denial and provide an opportunity to amend and resubmit the Advance Aquatic Resource Plan. This determination does not preclude further agency consideration of the subject matter

(B) The director will only issue an order approving an Advance Aquatic Resource Plan where the director determines that:

(i) The Advance Aquatic Resource Plan is consistent with the protection, conservation and best use of the water resources of this state as specified in ORS 196.600 to 196.905;

(ii) The Advance Aquatic Resource Plan would not unreasonably interfere with the paramount policy of this state to preserve the use of its waters for navigation, fishing, and public recreation;

(iii) A public need is fulfilled by approval of the Advance Aquatic Resource Plan; and

(iv) Implementation of the Advance Aquatic Resource Plan not inconsistent with governing jurisdiction(s) Comprehensive Plan(s) and local land use regulations and ordinances.

(f) Appealing the Decision. A final order of the director approving, approving with conditions, or denying an Advance Aquatic Resource Plan may be appealed as described in OAR 141-085-0575 for permit decisions. All final orders will include a notice of the right to a contested case hearing.

(5) Administration of Approved Advance Aquatic Resource Plans.

(a) Annual Reports. The Advance Aquatic Resource Plan sponsor shall prepare an annual report summarizing use of the Advance Aquatic Resource Plan for the previous year, its effectiveness in meeting the established goals and purpose, and any known, substantive changes in conditions within the coverage area that could materially affect ongoing implementation or cause unintended adverse effects to waters of this State. Other annual report content requirements may be defined in the final order. The first annual report is due one year from the date that the Department issued the final order. Each subsequent report will be due the same date each year thereafter that the final order approving the Advance Aquatic Resource Plan remains in effect.

(b) Amendment Process. The Department or plan sponsor may initiate an Advance Aquatic Resource Plan or final order amendment upon a finding that the current Advance Aquatic Resource Plan or final order is not substantially achieving the goals, purpose or need; or substantive changes in conditions within the coverage area are materially affecting ongoing Advance Aquatic Resource Plan implementation or causing unintended adverse effects to waters of this State. The requirements and mechanism for Advance Aquatic Resource Plan or final order amendment will be defined in the final order. At the Department's discretion, draft amended Advance Aquatic Resource Plans and draft amended orders may be circulated for Technical Advisory Committee review and public comment.

(c) 5-Year Review and Renewal.

(A) Each final order is effective for five years from the date of issuance. The final order may be renewed up to four times, for a total term of 20 years. Upon written notice from the plan sponsor that renewal of the Advance Aquatic Resource Plan is desired, the Department will review each approved Advance Aquatic Resource Plan and final order. The plan sponsor shall submit the request, if any, at least six months prior to the expiration of the final order. After such review the director may request new or updated information and act to modify, reissue or revoke the final order approving the Advance Aquatic Resource Plan. In making this decision, the Department will consider whether:

(i) There have been substantive changes in circumstances or conditions that would affect the waters of this State to a greater extent than originally anticipated or would otherwise adversely affect the compliance of the Advance Aquatic Resource Plan with the determinations made pursuant to (4)(d)(B) of this section;

(ii) There have been changes in applicable laws, administrative rules or regulations that require the Advance Aquatic Resource Plan or final order to be re-evaluated;

(iii) The Advance Aquatic Resource Plan and final order, as implemented, over the preceding five years is substantially meeting the goals, purpose and need as established in the Advance Aquatic Resource Plan and final order.

(B) The Department may initiate Advance Aquatic Resource Plan or final order review at any time outside of the five-year cycle if it determines that there have been changes in circumstances or conditions that must be considered in advance of the five-year cycle.

(d) Suspension, Revocation. At any time, and upon a finding by the director that the Advance Aquatic Resource Plan or final order is not being implemented in good faith or implementation of the Advance Aquatic Resource Plan or final order is otherwise allowing or facilitating significant, unanticipated adverse effects to waters of this State, the director may either suspend the final order and provide opportunity to correct, or revoke the final order without opportunity to correct. Each final order will state whether it may be suspended or revoked without a right to an appeal. If a right to appeal a suspension or revocation is allowed, it shall be as provided in OAR 141-085-0575 for permit decisions.

(e) Cancellation. Upon written request by the Advance Aquatic Resource Plan sponsor and for any reason, the Department will act to cancel the final order.

Stat. Auth.: ORS 196.825800 - 196.990 & 196.600 - 196.692

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

Hist.: DSL 3-2014, f. 8-14-14, cert. ef. 9-1-14

ADMINISTRATIVE RULES

141-085-0775

Enforcement Actions and Procedures; Appeals

(1) Enforcement Powers. The Department is authorized to take or recommend such civil, criminal or administrative actions as are necessary to enforce the Removal-Fill Law and these rules.

(2) Administrative Remedies. The Department may take appropriate action to remedy violations or alleged violations or to enforce these rules, a permit or authorization, or a final order or agreement.

(a) Appropriate enforcement action depends upon the nature of the violation and may include, but is not limited to, requiring the violator to:

(A) Comply with conditions of a permit, authorization or order;

(B) Remove an unpermitted fill;

(C) Restore the site of an unpermitted removal;

(D) Pay a civil penalty;

(E) Provide compensatory mitigation for unauthorized impacts or mitigation shortfalls. At the discretion of the Department and in accordance with these rules, mitigation may include payment in-lieu of mitigation, purchase of mitigation bank credits or purchase of in-lieu fee credits; and

(F) Forfeit their right to apply for new removal-fill permits or authorizations (debarment).

(b) The following administrative remedies may be used to implement appropriate enforcement actions:

(A) Cease and desist orders may be issued to prevent damage. The Department may issue an order requiring any person to cease and desist from any project if the Department determines that such violation or threatened violation presents an imminent and substantial risk of injury, loss or damage to water resources.

(i) A cease and desist order may be entered without prior notice or hearing and will be served upon the person by personal service or by registered or certified mail.

(ii) A cease and desist order will state that a hearing will be held on the order if a written request for hearing is filed by the person subject to the order within 10 calendar days after receipt of the order.

(iii) If a person subject to a cease and desist order files a timely request for a hearing, the Department will hold a contested case hearing before the Office of Administrative Hearings pursuant to the applicable provisions of ORS 183.310 through 183.550.

(iv) Cease and desist orders will not be stayed during the pendency of a hearing conducted under this section.

(v) Neither the Department nor any duly authorized representative of the Department will be liable for any damages a person may sustain as a result of a cease and desist order issued under this section.

(B) Consent agreements and consent orders are cooperative in nature and are used when an agreement can be reached to resolve the violation. In signing a consent agreement, the violator waives his or her right to appeal;

(C) Restoration orders may be issued when a cooperative agreement is not reached to resolve the violation. Restoration orders are appealable;

(D) Revocation or suspension of an authorization, as per OAR 141-085-0780

(E) Consent agreements, consent orders and restoration orders may include a civil penalty and corrective action necessary to resolve the violation; and

(F) Notice of violations may be issued to establish that a violation has occurred. Notice of violations are appealable.

(3) Notice and Due Process. The Department will give notice of any proposed restoration order relating to a violation by personal service or by mailing the notice by registered or certified mail to the person or public body affected. Any proposed restoration order will include a notice of violation and will describe the nature and extent of the violation.

(4) Request for Hearing. If a person subject to a restoration order under this section files a timely request for hearing, the Department will hold a contested case hearing before the Office of Administrative Hearings according to the applicable provisions of ORS 183.310 through 183.550. If the person fails to request a hearing, a final order will be issued upon a prima facie case made on the record of the agency.

(5) Restoration Orders Must Be Appealed Within 20 Calendar Days. Any person aggrieved by a proposed restoration order may request a hearing within 20 calendar days of the date of personal service or mailing of the notice.

(6) Written Requests for Hearings. Any written request for a hearing concerning a cease and desist or proposed restoration order shall admit or deny all factual matters stated in the proposed restoration order and shall state any and all claims or defenses regarding the alleged violation. Any factual matters not denied shall be presumed admitted, and failure to raise a claim or defense shall be presumed to be a waiver of such claim or

defense. Evidence shall not be taken at the hearing on any issue not raised in the written request for hearing.

(7) Civil Remedies. Any violation of ORS 196.600 to 196.990 or of any rule or final order of the Department under 196.600 to 196.990 may be enjoined in civil abatement proceedings brought in the name of the State of Oregon; and in any such proceedings the Department may seek and the court may award a sum of money sufficient to compensate the public for any destruction or infringement of any public right of navigation, fishery or recreation resulting from such violation. Civil remedies sought under this section may also include property liens. Proceedings thus brought by the Department will set forth, if applicable, the dates of notice and hearing and the specific rule or order of the Department, together with the facts of non-compliance, the facts giving rise to the public nuisance, and a statement of the damages to any public right of navigation, fishery or recreation, if any, resulting from such violation.

Stat. Auth.: ORS 196.825 & 196.600 - 196.692

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

Hist.: DSL 1-2009, f. 2-13-09, cert. ef. 3-1-09; DSL 1-2011, f. & cert. ef. 3-1-11; DSL 3-2012, f. 9-28-12, cert. ef. 9-29-12; DSL 3-2014, f. 8-14-14, cert. ef. 9-1-14

.....
**Department of State Police,
Oregon State Athletic Commission
Chapter 230**

Rule Caption: Amendment allowing boxers and mixed martial arts participants to weigh-in prior to having physical examinations.

Adm. Order No.: SAC 1-2014(Temp)

Filed with Sec. of State: 8-14-2014

Certified to be Effective: 8-14-14 thru 2-9-15

Notice Publication Date:

Rules Amended: 230-140-0030

Subject: OAR 230-140-0300 Dictates Contestant and Second Requirements specific to Weigh-ins, and Pre and Post-fight physicals specifically required for participants in boxing and mixed martial arts matches. Amendments will allow for participants to weigh-in prior to having the pre-fight physical examination. This rule recognizes the requirement for all participants to be licensed by the Oregon State Athletic Commission as well as each participant having to meet the physical standards recommended by the Oregon State Athletic Commission Medical Advisory Committee and further adopted by the Oregon State Athletic Commission (Board). The Rule further refers to potential penalties associated with failing to meet and/or adhere to all the requirements set in Rule.

Rules Coordinator: Shannon Peterson—(503) 934-0183

230-140-0030

Contestant and Second Requirements

(1) Weigh-In and Pre-fight Physical Examination. Mixed martial arts contestants shall undergo a weigh-in and pre-fight physical examination and shall be officially weighed within 24 hours of the commencement of the event. The weigh-in and pre-fight physical examination shall occur at a time and place designated or approved by the Executive Director, and in the presence of the Executive Director or the authorized representative of the Superintendent at the event.

(a) Scales approved by the Executive Director shall be utilized for the official weigh-in.

(b) No mixed martial arts contestant shall be weighed-in or be administered a pre-fight physical examination unless the mixed martial arts contestant is properly licensed by the Superintendent.

(c) The medical personnel conducting the pre-fight physical examination shall determine the fitness of the contestant to compete in the contest or exhibition based on standards recommended by the Medical Advisory Committee and adopted by the Commission. Standards adopted by the Commission are maintained on the official Commission website, listed on the "Pre/Post Fight Physical Examination Record" form.

(d) Any mixed martial arts contestant who has been signed to a contract to compete at any mixed martial arts event may be ordered by the Executive Director to appear at any time to be weighed by the Executive Director or the authorized representative of the Superintendent at the event.

(e) If a mixed martial arts contestant is late to the weigh-in or physical exam, disciplinary action may result to both the mixed martial arts contestant and the contestant's manager.

(f) The promoter shall provide a suitable room in which to conduct pre-fight physical examinations.

ADMINISTRATIVE RULES

(g) If a mixed martial arts contestant appears at the weigh-in, and the mixed martial arts contestant's body weight is 5% or more over the contracted weight, the mixed martial arts contestant will be disqualified for the bout, and the mixed martial arts contestant and the mixed martial arts contestant's manager may receive disciplinary action by the Superintendent.

(h) If, in an attempt to make weight, the mixed martial arts contestant shows evidence of significant dehydration, of having taken diuretics or other drugs, or of having used any other harsh modality, the examining physician may disqualify the mixed martial arts contestant and recommend disciplinary action by the Superintendent.

(2) Forfeiture for failure to make weight.

(a) A professional mixed martial arts contestant who fails to make the weight agreed upon in his or her bout agreement forfeits twenty percent of his or her purse to his or her opponent, if the fight takes place.

(b) If, during the 2 hours following the time of weighing in, a mixed martial arts contestant is able to make the weight or weighs less than 1 pound outside the agreed limits, no forfeit may be imposed or fine assessed upon him or her.

(c) If a mixed martial arts contestant agrees to fight an opponent who has failed to make weight, the fight may take place. The requirements of the bout agreement shall be revised to reflect the agreed upon weight.

(3) Post-Fight Medical Exams. Immediately upon completion of the contest or exhibition, contestants shall be subject to a post-fight physical examination by the medical personnel assigned to the event. The medical personnel conducting the exam shall submit to the Executive Director a report documenting contestant injuries and indicating recommended medical suspensions. Medical suspensions shall include limits on contact as well as participation in future competition. Medical suspensions may also include any required tests or follow up treatment recommended by the medical personnel that conducted the exam.

(4) Seconds. All seconds working in the corner of a professional mixed martial arts contestant must be licensed. Seconds working in the corner of an amateur mixed martial arts contestant may be licensed.

(a) The conduct and activities of licensed seconds shall be in accordance with standards issued by the Commission. All materials utilized in a corner of a mixed martial arts competition shall be inspected and approved by the Commission. Three seconds per fighter will be allowed in a non-championship bout. Four seconds will be allowed in a championship bout. No more than two seconds are allowed between rounds in a fenced area. One second is allowed between rounds in a ring.

(b) A license issued to a second can be immediately suspended by the Executive Director or the authorized representative of the Superintendent at the event.

(c) Licensed seconds shall comply with the direction of the Executive Director and other Commission officials appointed by the Commission.

(d) If, during a round, a second decides to stop a competition by corner submission, the second shall do so by stepping onto the apron of the ring or fenced area. A second shall not throw a towel or any other object into the ring or fenced area.

Stat. Auth.: ORS 463.113

Stats. Implemented: ORS 463.025 & 463.113

Hist.: SAC 1-2008(Temp), f. & cert. ef. 1-29-08 thru 6-30-08; SAC 5-2008, f. 6-12-08, cert. ef. 7-1-08; SAC 1-2014(Temp), f. & cert. ef. 8-14-14 thru 2-9-15

Higher Education Coordinating Commission, Office of Degree Authorization Chapter 583

Rule Caption: Update rules to reflect transfer to commission, correct citations, clarify language, and adopt procedural rules.

Adm. Order No.: ODA 1-2014(Temp)

Filed with Sec. of State: 7-16-2014

Certified to be Effective: 7-16-14 thru 1-12-15

Notice Publication Date:

Rules Adopted: 583-001-0010

Rules Amended: 583-001-0000, 583-001-0005, 583-030-0009, 583-030-0010, 583-030-0011, 583-030-0015, 583-030-0016, 583-030-0020, 583-030-0025, 583-030-0030, 583-030-0032, 583-030-0035, 583-030-0036, 583-030-0038, 583-030-0039, 583-030-0041, 583-030-0042, 583-030-0043, 583-030-0044, 583-030-0045, 583-030-0046, 583-030-0049, 583-050-0006, 583-050-0011, 583-050-0014, 583-050-0016, 583-050-0026, 583-050-0027, 583-050-0028, 583-050-0036, 583-050-0040, 583-070-0002, 583-070-0011, 583-070-0015, 583-070-0020, 583-030-0005

Rules Suspended: 583-040-0005, 583-040-0010, 583-040-0025

Subject: The Higher Education Coordinating Commission (commission) is proposing to adopt a new temporary rule, OAR 581-010-0010, establishing a procedure for adopting fees for the purpose of recovering expenses incurred by staff responding to public records requests.

The commission is proposing to suspend OAR 583-040-0005, 583-040-0010, and 583-040-0025, which implemented the "adverse impact process" of ORS 348.603 because chapter 658, Oregon Laws 2013, amended ORS 348.603 and removed the "adverse impact process" from statute.

The Legislative Assembly transferred the duties, functions, and staff of the Office of Degree Authorization (ODA), Oregon Student Access Commission (OSAC), to the commission. Chapter 637(9), Oregon Laws 2011. The commission is amending the former ODA's administrative rules to replace references in those rules to the ODA, ODA's director, OSAC, and OSAC's director with references to the commission and its executive director.

The commission is amending OAR 583-010-0000 and 583-001-0005, the former ODA's procedural rules, so that they conform to the commission's procedural rules in OAR 715-001-0020 and 715-001-0025.

The commission is amending rules throughout OAR chapter 583 to correct and update references in those rules to statutes and administrative rules, clarify obtuse language, update the commission's contact information, and conform to the Attorney General's Model Rules of Procedure.

The commission is amending OAR 583-030-0015, 583-050-0011, and 583-070-0011 so that the definitions established in those rules are presented alphabetically.

Rules Coordinator: Angela Rico—(503) 378-5690

583-001-0000

Notice of Proposed Rule

(1) Before permanently adopting, amending, or repealing any permanent rule, the Higher Education Coordinating Commission shall give notice of the proposed adoption, amendment, or repeal:

(a) In the Secretary of State's Bulletin, referred to in ORS 183.360, at least 21 days prior to the effective date of the rule;

(b) By mailing or e-mailing, at least 28 days before the effective date of the rule, a copy of the notice to persons on the Commission's mailing and e-mailing lists established pursuant to ORS 183.335(8);

(c) By mailing or e-mailing a copy of the notice to the legislators specified in ORS 183.335(15) at least 49 days before the effective date of the rule; and,

(d) By mailing or e-mailing a copy of the notice to persons, organizations, and publications identified by the Commission and established educational, student, and parent organizations that have submitted mailing or e-mailing addresses to the Commission.

(2) Persons who wish to receive written or e-mailed copies of notices of proposed rulemaking from the Commission may write or e-mail the Commission and request that they be placed on the Commission's mailing or e-mailing lists.

(3) The Commission may update the mailing and e-mailing lists described in this rule annually by requesting persons to confirm that they wish to remain on the lists. If a person does not respond to a request for confirmation within 28 days of the date the Commission sends the request, the Commission will remove the person from the Commission's mailing and e-mailing lists. Any person removed from the mailing or e-mailing lists will be returned to the mailing or e-mailing list upon request, provided that the person provides a mailing address or e-mailing address to which notice may be sent.

Stat. Auth.: ORS 183.335, 183.341(4), 348.606, & 351.728

Stats. Implemented: ORS 183.335

Hist: ECC 21, f. & ef. 11-28-75; ECC 1-1984, f. & ef. 11-28-84; ODA 2-2000, f. 7-7-00, cert. ef. 7-20-00; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-001-0005

Model Rules of Procedure

Pursuant to the provisions of ORS 183.341, the Higher Education Coordinating Commission adopts the Attorney General's Model and Uniform Rules of Procedure under the Administrative Procedure Act in effect on January 1, 2012.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or the Office of Degree Authorization.]

ADMINISTRATIVE RULES

Stat. Auth.: ORS 183 & 348
Stats. Implemented: ORS 183.341
Hist.: ECC 22, f. & ef. 1-13-76; ECC 4-1978, f. & ef. 4-12-78; ECC 1-1980, f. & ef. 2-19-80; ECC 2-1981, f. & ef. 12-16-81; ECC 2-1983, f. & ef. 11-7-83; ECC 1-1986, f. & ef. 9-20-86; ODA 2-2000, f. 7-7-00, cert. ef. 7-20-00; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-001-0010

Establishing Fees for Public Record

A fee may be imposed on any school or person requesting services or information from the Higher Education Coordinating Commission pertaining to the administration of its functions under ORS 348.594 to 348.615. The amount of the fee shall be established by the manager to whom the commission has delegated the responsibility to manage the commission's functions under ORS 348.594 to 348.615. The amount of the fee shall be sufficient to recover designated expenses incurred by the commission in carrying out the administration of ORS 348.594 to 348.615. Any fees collected by the commission, for services that are the responsibility of the manager, shall be deposited in the Degree Authorization Account established under ORS 348.601 and used exclusively for purposes directly related to the duties and functions of the commission under the authority of the manager as delegated by the commission.

Stat. Auth.: ORS 348.603
Stats. Implemented: ORS 348.603
Hist.: ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-030-0005

Purpose and Scope

(1) This rule implements ORS 348.594 to 348.615 and 348.992 insofar as each section therein relates to ORS 348.606, which provides that a school must meet state standards and be approved by the Higher Education Coordinating Commission before it may confer or offer to confer any academic degree, or provide services purporting to lead to a degree, by establishing the standards and the procedures to implement the standards or to verify any exemption or exclusion.

(2) This rule applies to any school offering degrees and credits from within Oregon to recipients anywhere, and it applies to any person assisting such a school. The rule further applies to any school offering degrees and credits from outside of Oregon, in connection with learning or evaluation meant to occur within this state, if there is any person assisting the school from within this state in any way. Assisting the school includes, but is not limited to:

- (a) Maintaining an office or mailing address in the state or
- (b) Conducting any part of the instruction program or support activities from or in the state.
- (3) Exclusions to the rule are described in OAR 583-030-0009.

(4) Complete and partial exemptions and modifications are described in OAR 583-030-0010 and 583-030-0011.

Stat. Auth.: ORS 348.594 & 348.606
Stats. Implemented: ORS 348.594, 348.603 & 348.606
Hist.: ECC 22, f. & ef. 12-22-75; ECC 2-1980, f. & ef. 4-14-80; EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1993, f. & cert. ef. 6-28-93; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; SSC 1-1997(Temp), f. & cert. ef. 8-25-97; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01; ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-030-0009

Exclusions

These rules do not apply to:

(1) A school that offers degrees or credits from outside of Oregon and is unassisted within the state, so that any concomitant learning or evaluation occurring within Oregon is accomplished exclusively through interstate communication (e.g., internet, mail, telephone, fax) in which the student acts entirely alone within this state.

(2) Postsecondary schools that do not offer degrees or credits viable toward a degree, absent an articulation agreement with an authorized school, but do confer certificates and diplomas in instructional programs for the purpose of instructing, training, or preparing students for any profession. Such schools are subject to ORS chapter 345.

Stat. Auth.: ORS 348.594 - 348.615, 2005 SB 1039 enrolled (2005 Laws 546)
Stats. Implemented: ORS 348.594 - 348.615
Hist.: ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-030-0010

Exemptions

The standards and procedures in this rule shall not apply to a school that is exempt.

(1) A school in the public postsecondary educational system of the State of Oregon is exempt when offering degrees and credits exclusively in

its own name and under its own control as the Oregon University System or constituent unit thereof, an Oregon community college, or the Oregon Health and Science University.

(2) A school is exempt on religious grounds if the school meets the requirements of ORS 348.604 and 348.608. No rules in this division are applicable to a religious-exempt school, except as permitted by ORS chapter 348.

(3) A regionally accredited nonprofit school or separately regionally accredited campus of a nonprofit school that has operated at least one program approved by the Higher Education Coordinating Commission, or its predecessor agencies, in Oregon for at least five consecutive years is exempt.

Stat. Auth.: ORS 348.604 & 348.606
Stats. Implemented: ORS 348.597, 348.604, 348.605
Hist.: ECC 22, f. & ef. 12-22-75; ECC 2-1980, f. & ef. 4-14-80; ECC 3-1981, f. & ef. 12-16-81; EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; SSC 1-1997(Temp), f. & cert. ef. 8-25-97; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2003, f. & cert. ef. 4-16-03; ODA 4-2003, f. 10-29-03, cert. ef. 11-1-03; ODA 2-2004(Temp), f. & cert. ef. 2-11-04 thru 7-30-04; Administrative correction 8-19-04; ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05; ODA 1-2010, f. & cert. ef. 11-16-10; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-030-0011

Modification for Schools Having Separate Regional Accreditation

(1) The standards of a U.S. regional accrediting association shall be substituted for the standards in these rules for all Oregon operations of a school that has conferred degrees under the same control for five years in Oregon from at least one operationally separate unit accredited as a separate institution by such association, provided the school submits for arbitration by the Higher Education Coordinating Commission any unresolved dispute in which a person alleges detrimental violation of a standard guaranteed by the accreditor but which the accreditor has declined to arbitrate. An "operationally separate unit" is a complete and semi-autonomous institution that has a core of full-time teachers, a separate student body, local administration for all educational functions, and academic programs comprising the totality of educational experience. The unit must be separately evaluated by the appropriate accreditor following regular procedures for the accreditation of an autonomous institution, and it must be listed as separately accredited in all regional and national directories.

(2) Upon substitution of standards, the commission will waive application requirements and apply abbreviated reporting requirements.

(3) Arbitration will be as informal as possible, including a sustained effort at compromise through mediation, and will occur only after all of the school's internal procedures for dispute resolution have been exhausted.

(4) Arbitration decisions will be based on the standards published by the accreditor as interpreted through continual consultation with the accreditor, and the commission will not substitute its judgment for that of school officials in the ordinary interpretation of factual evidence or the exercise of managerial discretion. In the absence of any obvious factual error that changes the decision record as a whole, the question for arbitration will be whether institutional procedures have been as promised and have led to an action consistent with the accreditation standards as interpreted reasonably and fairly.

(5) The commission, at its discretion, may refuse or discontinue arbitration in any case where the dispute is trivial in that it does not involve a significant question of standards, where a complaint is frivolous or indicates harassment of an institution by a complainant, where the issue is managerial judgment rather than an objective standard or of value preference rather than justice, where the matter falls within the more appropriate jurisdiction of another state agency to which appeal is readily available, or where a decision involves fundamentally the academic judgment of expert professionals on the faculty. No case that has entered litigation may be accepted for arbitration unless there is a binding suspension of litigious activities.

(6) Judicial review of an arbitration decision is available to either party under the Administrative Procedure Act, ORS chapter 183, which provides for review of agency orders in other than contested cases. A petition for judicial review of an order in other than a contested case may be made to the Circuit Court for Marion County or circuit court in the county where the petitioner resides, as provided in ORS 183.484.

Stat. Auth.: ORS 348.606
Stats. Implemented: ORS 348.603 & 348.606
Hist.: EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98; Renumbered from 583-030-0037, ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

ADMINISTRATIVE RULES

583-030-0015

Definitions of Terms

The following definitions have particular application to one or more provisions of this division.

(1) "Academic year" means approximately nine months, conventionally during fall, winter, and spring.

(2) "Accredited" means approved to offer degrees at a specified level by an agency or association recognized as an accreditor in the U.S. by the U.S. Secretary of Education or having candidacy status with an agency or association whose pre-accreditation category is recognized specifically by the U. S. Secretary of Education as an assurance of future accreditation.

(3) "At risk" means the school demonstrates one or more of the following conditions that the Higher Education Coordinating Commission determines may cause potential serious problems for the continued successful operation of the organization: Failure to meet the standards of financial responsibility; Misrepresentation; Frequent substantiated complaints filed with the commission; Significant decrease in enrollment from the previous reporting year; or Significant staff turnover from the previous reporting year.

(4) "Certificate" means a formal academic award that signifies, purports, or may generally be taken to signify completion of a course of instruction for which college or university-level academic credit is given but which is shorter or more limited than that leading to a degree. Certificate includes the term "diploma" if used to mean a similar award. A certificate may be at the undergraduate or graduate level.

(5) "Class hour" or "contact hour" means approximately one hour of direct communication between a teacher and one or more students, minus time for rest or change of classes. Conventionally this has been a fifty-minute period.

(6) "Confer a degree" means give, grant, award, bestow, or present orally or in writing any symbol or series of letters or words that would lead the recipient to believe a degree had been obtained.

(7) "Credit," when the full term is "postsecondary or college credit," means indication or certification by a school that a student has completed a unit of study, demonstrated achievement or proficiency, or manifested measured learning outside of school so as to have satisfied a portion of the requirements for a degree or for any other academic recognition offered by the school.

(8) "Credit hour" means one postsecondary credit resulting from one of the following intended to result from at least 2 hours of student work out of class (or in equivalent lab time) for each contact hour in class, totaling:

- (a) Approximately 45 hours of student work in a semester;
- (b) Approximately 30 hours of student work in a quarter;
- (c) An equivalent amount of student work under an alternate term calendar schedule approved by ODA; or

(d) Equivalent student work demonstrated by student performance on a nationally recognized examination or evaluation acceptable to the commission.

(9)(a) "Degree" means any academic or honorary title, rank, or status that may be used for any purpose, which is designated by a symbol or series of letters or words such as, but not limited to, associate, bachelor, master, or doctor, and forms or abbreviations thereof that signifies, purports, or may generally be taken to signify:

- (A) Completion of a course of instruction at the college or university level;
- (B) Demonstration of achievement or proficiency comparable to such completion; or
- (C) Recognition for nonacademic learning, public service, or any other reason of distinction comparable to such completion.

(b) "Degree" does not refer to a certificate or diploma signified by a series of letters or words unlikely to be confused with a degree, clearly intended not to be mistaken for a degree, and represented to students and the public in ways that prevent such confusion or error.

(10) "Executive Director" means the executive director of the Higher Education Coordinating Commission, or the executive director's designee.

(11) "External degree" means a degree that can be earned mostly or entirely through correspondence, electronic recordings, or subscription telecommunications, rather than by resident instruction, except that some assistance may be provided for students face-to-face by school adjuncts in capacities such as advisor, mentor, tutor, clinic or practicum supervisor, topical speaker, occasional seminar leader, evaluator, or member of a thesis or study committee.

(12) "First-professional degree" means master's or doctor's degree conferred upon completion of a course of study for which admission into some schools may be gained with less than a baccalaureate, but for which

pre-admission and professional study together invariably require more time than is required for a bachelor's degree alone, regardless of how many matriculants already have a bachelor's degree.

(13) "Full-time equivalent" or "FTE" means the imaginary number of students, teachers, or other personnel, any member of which may be engaged full time or part time, who in combined time expended would be the equivalent of one full-time unit of the kind being described.

(14) "Full-time student" means a student who is engaged in academic study as the student's primary occupation, thus ordinarily requiring 35 to 45 hours per week divided between interaction with teachers and independent preparation.

(15) "Graduate degree" or "post-baccalaureate degree" means a master's or doctor's degree conferred upon completion of a course of study for which admission can be gained only through possession of a bachelor's degree satisfactory to the school offering the graduate instruction.

(16) "General Education" is a term that includes liberal education and other nonvocational courses outside a student's major field.

(17) "Liberal Arts and Sciences courses" means courses in the following subjects:

(a) The humanities, such as language, literature, philosophy, religious thought, and fine arts (not emphasizing performance skills);

(b) The social sciences, such as anthropology, cultural geography, general history, religious history and culture, economics, political science, general psychology, and sociology; and

(c) The natural sciences, such as Biology, biological psychology, chemistry, physics, geology and physical geography, mathematics.

(18) "Limited resident instruction" means instruction by an accredited school consisting of less than 50 percent of a degree or certificate program offered to more than one student at a physical site in Oregon, when the providing school is not otherwise authorized to offer degrees in Oregon.

(19) "Lower-division instruction" means course content and teaching at a level appropriate for first- and second-year postsecondary students generally (including all community college and associate degree instruction), but available to more advanced students who have no prior experience in the subject.

(20) "Non-Oregon school" means any school controlled from outside the state.

(21) "Offer a degree" means announce, advertise, declare, or imply orally or in writing the willingness or intention to confer a degree directly or to cause a degree to be conferred by agreement or arrangement with any person or school.

(22) "Oregon school" means any postsecondary school or organized group of postsecondary schools that has its principal executive offices in Oregon or is otherwise controlled effectively from within this state, regardless of the number of students served in various locations.

(23)(a) "Person assisting a school" means any person or organization helping the school or its students or clients by acting as educator or intermediary or provider of communication technology or by acting in any other way that helps the school offer or effectuate its services in Oregon, regardless of whether the person assisting has a contract or compensation.

(b) "Person assisting a school" includes, but is not limited to, school personnel employed as an advertiser, recruiter, admissions agent, course registerer, advisor, teacher, mentor, tutor, supervisor of an internship or practicum, occasional speaker, seminar leader, informal discussion leader, student host for group activity, evaluator, member of a thesis or study committee, publisher of educational materials, or operator of a radio station, internet service provider, or a cable or broadcast television station.

(24) "Practicum" means that portion of a degree program that involves a supervised field placement in a professional or workplace environment. For purposes of these rules, also includes "internship."

(25) "Professional and vocational courses" include, but are not limited to, courses in the following subjects: agriculture and forestry (or wildlife management), architecture and design, business and public administration, broadcasting or journalism, computer technology, education, engineering and related technologies, health professions, home economics, law, library science, military science, parks and leisure studies, physical education and recreation, protective services, religious services, artistic performance or physical activity courses, or practical and general information courses such as personal health, career planning, human relations, public speaking, elementary writing, elementary mathematics, and computer fundamentals.

(26) "Quarter" means one third of an academic year, typically 9-12 weeks in length and divided among fall, winter and spring.

(27) "Regionally accredited" means approved to offer degrees at a specified level by a regional institutional accreditor recognized for that purpose by the U.S. Secretary of Education.

ADMINISTRATIVE RULES

(28) "Religious degree" means a degree with a title in theology or religious occupation(s).

(29) "Residential degree" means a degree earned primarily through resident instruction.

(30) "Resident instruction" means face-to-face teaching and learning at a school's main campus or other major facility with a regularity designed to accommodate full-time students and others who need continuous access to teachers and related resources on site.

(31)(a) "Restricted degree" means an external or semi-residential degree offered exclusively to employees or members of contracting organizations, which receive on their own premises services that may include direct or televised teaching by regular or adjunct faculty members of the school.

(b) "Restricted degree" does not mean a degree program that is open to all members of the general public who are qualified for admission.

(32) "School" means any person or persons and any organization or group of organizations, whether incorporated or not, engaging or appearing to engage in the activities of an educational entity or institution of learning, whether or not naming itself a school, college, university, institute, academy, seminary, conservatory, or similar term. The activities attributable to a school include but are not limited to teaching, measurement of achievement or proficiency, or recognition of educational attainment or comparable public distinction.

(33) "Semester" means half an academic year, typically 15-16 weeks in length, conventionally including a fall semester from September through December and a spring semester from January through May.

(34) "Semi-residential degree" means a degree that can be earned through a combination of residential and external methods but requires a substantial portion of learning from structured face-to-face teaching at a school's main campus or other major facility, or at a temporary instructional site where students meet in groups.

(35) "State academic standards" for Oregon means the standards provided in OAR 583-030-0035.

(36) "Term" means a segment of an academic year, ordinarily a semester or quarter but sometimes less. Term is the preferred descriptor for degree program courses using a nontraditional calendar.

(37) "Upper-division instruction" means course content and teaching appropriate for third- and fourth-year students or others with a strong background in the subject. Upper-division instruction is not offered in associate degree programs or by community colleges.

Stat. Auth.: ORS 348.594 & 348.606

Stats. Implemented: ORS 348.594, 348.603 & 348.606

Hist.: ECC 22, f. & ef. 12-22-75; ECC 2-1980, f. & ef. 4-14-80; EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1993, f. & cert. ef. 6-28-93; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; SSC 1-1997(Temp), f. & cert. ef. 8-25-97; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01; ODA 1-2003, f. & cert. ef. 4-16-03; ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-030-0016

Exclusive Use of Term "University"

The term "university" refers exclusively to a school that is authorized to offer bachelor's degrees together with graduate or first professional degrees, or to an organization that constitutes a formal consortium of schools so authorized. Any entity that calls itself "university" without authorization but with serious intent will be referred to the Department of Justice for enforcement of the statute that defines such deceptive representations as unlawful trade practices.

Stat. Auth.: ORS 348.606

Stats. Implemented: ORS 348.596, 348.603 & 348.606

Hist.: EPP 1-1993, f. & cert. ef. 6-28-93; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-030-0020

Exercise of Authority

(1) A school that intends to offer to anyone from within Oregon or offer to Oregon residents from outside the state any form of instruction, lecture, training, tutoring, seminar, workshop, examination, evaluation, or other service represented as contributing credit or otherwise leading toward a specified or unspecified degree or certificate that will or might be conferred anywhere shall notify the Higher Education Coordinating Commission in advance and then promptly supply all information the commission requests. Failure to notify the commission in advance, or to provide information as directed, may result in permanent denial of approval for the school to offer any services in or from Oregon, as well as administrative action, up to and including assessment of civil penalties.

(2) Schools that offer no degrees in Oregon but want to offer a certificate are subject to the requirements of ORS chapter 345 and OAR chapter 715, division 45.

(3) Schools intending to apply for authorization or exemption from the commission shall provide the commission with information about the school's ownership and structure, proposed programs, and relationships to other institutions, if any. On the basis of this preliminary information, the commission's executive director will determine whether the school:

(a) Must apply for state authorization to offer instruction or related services leading to one or more degrees under the standards of OAR 583-030-0035 or 583-030-0036;

(b) Is exempt for other than religious reasons under ORS 348.597;

(c) Is eligible for exemption under ORS 348.604 and therefore has a choice of standard state approval or religious exemption.

(4) A school that applies for degree authorization or exemption shall use forms and follow procedures determined by the commission. Failure to comply constitutes good reason to reject an application. Such school shall be open to inspection and may be inspected at any time to verify its statements and to examine facilities. Inspection of a school and evaluation of its application will be performed by state officials or consultants as the executive director considers necessary, and findings will be utilized as the commission considers appropriate. Information from other examiners, such as accreditors or professional licensing agencies, may accompany materials submitted by the school and may be used by the commission at its discretion.

(5) Authorization to offer instruction or related services leading to a degree applies to specific curricula and services for specific periods:

(a) Authorization is normally given for the state as a whole, but may be limited by the commission in order to ensure program quality or operational stability.

(b) The commission, on the basis of judgment about the relationship between a curriculum and a degree title, may require revision of title. Degree titles may not contain the name of organizations, companies or products.

(c) Authorization is given for a specific degree for a fixed period of not less than two nor more than four calendar years. The executive director may vary the length of approval periods by up to one year subject to the four-year limit in order to consolidate applications or renewals for the convenience of the school or the commission.

(6) Authorization to offer instruction or related services leading to a degree expires at the end of the period for which it is given, without right or presumption of renewal, except that an authorized school having submitted a complete and timely application for renewal continues to be authorized until such time as a review or revocation procedure may determine otherwise. After discontinuing its offer of an authorized degree before the end of the period of authorization, a school shall not reinstate the degree without permission from the commission. A program shall be deemed discontinued if a period of two academic years passes without any students being enrolled in the program.

(7) Authorization to offer instruction or related services leading to a degree is subject at all times to supplemental review if the school appears to be at risk or to revocation for proper cause according to procedures described in OAR 583-030-0045.

(8) Approval of a degree by the commission does not constitute approval of the program as training for professional practice when the state licenses or otherwise regulates professional practice. Applicants must also seek approval from the appropriate state licensing entity.

Stat. Auth.: ORS 348.606

Stats. Implemented: ORS 348.597, 348.603 & 348.606

Hist.: ECC 22, f. & ef. 12-22-75; ECC 2-1980, f. & ef. 4-14-80; EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1993, f. & cert. ef. 6-28-93; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01; ODA 1-2003, f. & cert. ef. 4-16-03; ODA 4-2003, f. 10-29-03, cert. ef. 11-1-03; ODA 2-2004(Temp), f. & cert. ef. 2-11-04 thru 7-30-04; Administrative correction 8-19-04; ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-030-0025

General Conditions Required for Residential or Semi-residential Degree Program Authorization

All applicant schools must meet the following conditions to apply for initial or renewed authorization to offer a residential or semi-residential degree to Oregon residents or to offer any degree from within Oregon to persons anywhere.

(1) A school must appoint a responsible administrator who resides and has a business address and telephone within the state, who may transact the essential business of application, and who in any case shall be made an informed party to all such business. If a non-Oregon-based school plans a

ADMINISTRATIVE RULES

small or narrowly specialized operation within this state, the executive director may permit the applicant to use an out-of-state administrator.

(2) All programs must be designed to allow all students to work toward a degree at a rate equivalent to at least half-time study.

(3) No school shall be eligible to apply for authorization to offer in or from Oregon any instruction or other services leading to a doctor's degree before it has obtained accreditation or pre-accreditation candidacy at or above the bachelor's degree level recognized by the U.S. Secretary of Education. However, offer of doctoral programs in another state by an unaccredited school will not automatically disqualify such school from authorization to offer degrees below the doctoral level in Oregon. The only exception to this provision is that a proposed school offering one or more doctoral programs leading to professional licensure in a field in which Oregon has such licensure may apply for approval from the Higher Education Coordinating Commission. In such cases, the school proposing to offer doctoral programs may apply for commission approval only if the program is designed and intended to meet the standards for licensure required by the appropriate Oregon professional licensing board.

(4) A foreign (non-U.S.) school is eligible to apply for Oregon approval if it is approved to offer degrees by the appropriate agency in its home country and the commission finds that its home country has adequate oversight of academic programs. Foreign schools are not limited to offering in Oregon the same degrees for which they have approval in their home country, but may not offer degrees at a higher level in Oregon than those for which they have authorization in their home country.

Stat. Auth.: ORS 348.606

Stats. Implemented: ORS 348.603 & 348.606

Hist.: ECC 22, f. & ef. 12-22-75; ECC 2-1980, f. & ef. 4-14-80; EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2003, f. & cert. ef. 4-16-03; ODA 1-2005, f. & cert. ef. 3-3-05; ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-030-0030

Application Procedure

(1) A school seeking initial degree authorization should allow three months to prepare its application and six additional months for review by the Higher Education Coordinating Commission. Approval of exempt degrees and abbreviated reviews for certain external or semi-residential degrees or for limited or restricted residential instruction may require less time. To be considered timely, a complete application for renewal of an existing authorization must be submitted six months before that authorization expires, and a school seeking renewal is fully responsible for beginning the procedure.

(2) In order to be valid, application must be made by the method determined by the commission, including completion according to instruction of any forms provided for the purpose. Modification will be allowed by explicit permission only. The applicant school shall submit any information requested by the commission and may submit such supplemental information as it considers pertinent. The commission will provide advice.

(3) Program approval may be made conditional on approval of employees hired after the approval date.

(4) Application for authorization to offer a degree or to provide services leading to a degree in whole or in part must be accompanied by payment of the fee described in OAR 583-030-0046 or such reduced fee as is determined by the commission in special circumstances. Several curricula leading to the same degree may be submitted as part of a single application.

(5) If a school has limited financial resources, the commission may, at its discretion, allow payment of fees over a period of time not to exceed two years from the date of initial approval. In the event that an initial application is successful, payment in full must be received before application for renewal can be accepted. In the event that initial application is not successful, payment in full of the review fee must be completed within two years of the date of formal denial of the application. Any proposed payment plan must be evaluated and, if adequate, approved by the commission's executive director. ORS 348.606 prohibits fee refunds.

Stat. Auth.: ORS 348.606

Stats. Implemented: ORS 348.603 & 348.606

Hist.: ECC 22, f. & ef. 12-22-75; EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01; ODA 1-2003, f. & cert. ef. 4-16-03; ODA 1-2004, f. & cert. ef. 1-14-04; ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-030-0032

Review Process for Degrees

(1) Review of an application to offer instruction or related services leading to a degree or certificate includes evaluation of the school and its proposed programs in relation to the state academic standards set forth in

OAR 583-030-0035, or modified under 583-030-0036 for a non-Oregon school that will offer limited resident instruction in Oregon.

(2) Pursuant to OAR 583-030-0036, the Higher Education Coordinating Commission at its discretion may employ an abbreviated review procedure with adjusted fee for a non-Oregon school offering limited or restricted instruction in Oregon for an external degree.

(3) Review of free-standing certificate or diploma programs offered by degree-granting schools, or credit-bearing courses offered by schools that do not issue degrees in their own name will generally follow the model for associate degrees.

(4) In the course of evaluation, the commission's staff will ordinarily inspect the facilities and records of an applicant school and interview officials, employees, or students of the school as necessary to obtain sufficient information. The staff may also interview employers of school graduates and representatives of organizations that appear closely related to the school.

(5) Where competency in a particular academic discipline is essential to an evaluation, the commission's executive director may seek expert advice in that discipline. However, adequacy of instruction in a discipline will ordinarily be judged by faculty credentials in relation to the standards, by curricular content in comparison with similar programs of established quality, and by educational resources and student performance. Where competency in a particular occupation or profession is needed for an evaluation, the executive director will seek expert advice from the corresponding state licensing board.

(6) The state will not review sectarian content of curriculum for degrees with a religious title or significant religious content; the state's only concern will be to ensure that the curriculum has a reasonable structure related to credits awarded.

(7) The review culminates in preparation of findings, including explanation of any failure to satisfy a standard, which are provided to the applicant in a formal report. Approval is not granted until all standards are satisfied. If a standard cannot be satisfied in a reasonable length of time, approval will be denied.

(8) Refusal by the commission to authorize an applicant school to offer instruction or related services leading to a degree is subject to right of review as provided in ORS 348.615 by an action brought for trial without jury in the circuit court of the county in which the school is located. A school or putative school having no location in Oregon at which students are actually served must bring any such action in the circuit court of Marion County.

Stat. Auth.: ORS 348.606

Stats. Implemented: ORS 348.603 & 348.606

Hist.: ECC 22, f. & ef. 12-22-75; ECC 26, f. & ef. 6-8-77; ECC 2-1980, f. & ef. 4-14-80; EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01; ODA 1-2003, f. & cert. ef. 4-16-03; Renumbered from 583-030-0040, ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-030-0035

Standards for Schools Offering Degree Programs In or From Oregon

In order to receive and hold authorization to offer in or from Oregon instruction or related services leading to one or more degrees, a school must remain open to inspection at all times and continuously satisfy each of the following standard requirements as written, except where the Higher Education Coordinating Commission approves modification under OAR 583-030-0036 or substitution under 583-030-0011. Standards are applicable to all programs.

(1) Name. The school shall use for doing business publicly a name that is consistent with its purpose and educational programs.

(2) Control.

(a) All persons responsible for top management policy must be individually qualified by education, experience, and record of conduct to assure effective management, ethical practice, and the quality of degrees and services offered. Boards must collectively demonstrate financial, academic, managerial and any necessary specialized knowledge, but individual members need not have all of these characteristics. Any controlling organization or owner is subject to this standard.

(b) Administrators shall be paid by fixed salary and not by commission. Any portion of payment that is based on enrollment of students recruited by the administrator or the administrator's staff is considered payment by commission.

(c) Teachers shall be paid by fixed salary and not by commission. Any portion of payment that is based on enrollment of students recruited by the teacher is considered payment by commission.

(d) Nonprofit Schools:

ADMINISTRATIVE RULES

(A) Persons who control a nonprofit school shall demonstrate a commitment to the school's best interest as a public trust.

(B) A nonprofit school shall have a published policy that is followed in practice against conflicts of interest at all organizational levels.

(e) For-profit Schools:

(A) A school operated for profit shall disclose fully to the commission the specific financial interest of any organization or person, except that a large group of shareholders may be described generally. Any person or entity holding at least 5 percent of voting or common shares in a for-profit school must be named and the percentage of holdings disclosed. All business activities of interested organizations or persons are subject to disclosure.

(B) All board members, administrators, or owners of five percent or more of shares of an applicant school or parent corporation must disclose with explanation the following:

(i) Any prior felony convictions.

(ii) Any known violations of federal financial aid rules by a school of which the person was a board member or employee.

(iii) Any known violations of the policies of an accreditor by a school of which the person was a board member or employee.

(iv) Any previous or current ownership or administration of a school that closed or filed for bankruptcy.

(3) Organization.

(a) The school and any parent organization shall be organized so as to distribute responsibility clearly among positions in a logical structure that is consistent with services offered and qualifications needed to fulfill the duties of the positions. An individual may occupy more than one position.

(b) The school shall satisfy the commission that all top executive officers and other administrators are individually qualified by education, experience, and record of conduct to assure competent management, ethical practices, and effective educational service. Unless an exception is approved by the commission's executive director because of sufficient compensatory qualification, administrators above the entry level shall have experience related to their present duties, and all administrators with authority over academic programs shall possess appropriate degrees earned from schools that are regionally accredited or otherwise determined by the commission to be acceptable.

(c) The school shall make available to the commission an administrator generally responsible for school operations within the state and transaction of business with the Office. Unless an exception is approved by the commission's executive director because of sufficient compensatory qualification, that administrator shall possess a degree at least as high as any offered by the school in connection with operations in Oregon, together with appropriate administrative experience.

(d) There shall be an academic officer for the entire school responsible for faculty and academic programs offered in or from Oregon. Unless an exception is approved by the commission's executive director because of sufficient compensatory qualification, that officer shall possess at least a master's degree and shall possess a doctor's degree if the school offers any graduate or non-baccalaureate professional degree. That officer shall have experience in teaching and academic administration, both experiences appropriate to the level, size, and complexity of the school.

(e) There shall be a business officer for the entire school responsible for accounting and managerial services. Unless an exception is approved by the commission's executive director because of unusual compensatory qualification, that officer shall possess at least a bachelor's degree in a business-related field, together with appropriate administrative experience.

(4) Teachers.

(a) The school must obtain and keep official transcripts for all teaching faculty.

(b) The school shall satisfy the commission that all teachers are individually qualified by education and experience to give expert instruction or evaluation in their specialties. Unless an exception is approved by the commission's executive director because of sufficient compensatory qualification, teachers shall be qualified for the various levels of instruction or evaluation as described below, with degrees earned from schools that are accredited by a federally recognized accreditor or otherwise determined by the commission to be acceptable.

(c) Standards applicable to specific degree levels. A person who does not hold the appropriate level and major degree as stated in subparagraphs (B) through (E) of this paragraph may demonstrate qualification by showing at least 12 semester or 18 quarter credits in the field at a level higher than the current teaching assignment combined with appropriate professional experience in the field. Teaching experience cannot be used to

replace professional experience if this option is exercised, except for teacher education programs.

(A) Teachers in programs leading to degrees in the fine arts, including but not limited to art, music, dance, cooking, theater, photography, writing and other programs involving a significant creative element, may demonstrate qualifications with a documented combination of academic and creative work.

(B) Standards applicable to associate degree programs: A teacher on a faculty offering associate's degrees ordinarily shall possess a bachelor's degree appropriate to the subject taught or evaluated, except that compensatory nonacademic qualifications will be more readily accepted by the Office in programs leading to occupational degrees leading to professional licensure or the fine arts. Where the degree emphasizes transfer courses in the arts and sciences (primarily Associate of Arts degrees), the teacher ordinarily shall possess an appropriate master's degree.

(C) Standards applicable to bachelor's degree programs: A teacher on a faculty offering bachelor's degrees ordinarily shall possess an appropriate graduate degree in the field currently taught.

(D) Standards applicable to master's degree programs: A teacher on a faculty offering master's degrees ordinarily shall possess an appropriate doctor's degree and some teaching experience, except that up to half of the teachers in an occupational or professional degree program may substitute for the doctorate a master's degree together with occupational or professional licensure or equivalent certification and related work experience. More substitutions may be permitted where the terminal degree for teachers in an occupational or professional field is not generally considered to be a doctorate.

(E) Standards applicable to doctoral degree programs: A teacher on a faculty offering doctor's degrees ordinarily shall possess an appropriate doctor's degree and substantial graduate or first-professional teaching experience, including experience overseeing advanced independent study or student practice, except that the doctor's degree alone may suffice for teaching courses at the master's level generally or at any level in the teacher's particular subspecialty.

(d) Teachers shall be numerous enough and so distributed as to give effective instructional and advisory attention to students in all programs offered by the school.

(e) A school having an undergraduate FTE student-faculty ratio of greater than 30:1 or a graduate FTE student-faculty ratio of greater than 20:1 for students taught in or from Oregon must demonstrate that students and faculty have adequate opportunities for one-to-one interaction.

(f) A school that does not have at least one full-time teacher resident in Oregon or directly teaching Oregon students in each specialty must demonstrate with specific examples the adequacy of faculty contribution to organizational integrity and continuity, to academic planning, and to resident student development.

(g) The school shall have a faculty development policy that continuously improves their knowledge and performance.

(h) The school must provide the commission with annual data regarding turnover of full-time teachers. The commission may limit use of part-time teachers upon finding that such turnover or use results in substandard education of students.

(i) The school shall demonstrate an effort when hiring teachers to avoid dependence on its own most recent graduates. No more than 20 percent of all applicant school teachers can hold their highest degree from the applicant school unless fewer than 10 schools in the United States offer the highest degree available in the field. Schools offering solely religious degrees are exempt from this requirement.

(j) A teacher of an academic or scientific discipline within an occupational or professional degree program (e.g., economics within a business program, psychology within education, anatomy within nursing) ordinarily shall possess the appropriate degree in the discipline rather than a non-disciplinary occupational or professional degree. Lower-division undergraduate courses may be taught by those with non-disciplinary degrees who have demonstrable and extensive acquaintance with the discipline.

(5) Credit. The school shall award credit toward degrees proportionate to work done by students and consequent upon the judgment of qualified teachers and examiners. Credits are generally expressed as either semester (SCH) or quarter credit hours (QCH). One semester credit represents approximately 45 hours of on-task student work in a semester (usually two study hours per faculty contact hour). A quarter credit hour represents approximately 30 hours of student work in a quarter. Credit hours earned through nontraditional learning schedules shall have proportionate value to credit hours based on customary term lengths.

(a) Instructional methods:

ADMINISTRATIVE RULES

(A) Credit awarded by the school shall be based solely upon the judgment of teachers who have had extensive direct contact with the students who receive it, with the exception of methods listed in these rules if approved in advance by commission's executive director.

(B) At least one academic year of credit toward any degree, most of it near the end, shall represent teaching or direct evaluation by faculty members employed by the school, except that the commission may approve a lesser amount for an associate's degree.

(C) Credit may be awarded for distance learning if the school demonstrates that it has adequate methods in place to ensure that student work is sufficient both in quality and quantity to meet the commission's requirements, courses are developed and taught by qualified faculty and there will be sufficient interaction between students and faculty and, if possible, among students. The commission may limit or disallow credit awarded for any type of distance learning if the school cannot demonstrate adequate oversight and quality control measures.

(D) Transfer credit integral to the school's approved degree curriculum may be awarded at the corresponding degree level for academic work documented by other schools that are regionally accredited, authorized to confer degrees in or from Oregon, or otherwise individually or categorically approved by the commission. Such credit must be converted as needed from semester, quarter or nontraditional calendar systems.

(b) Noninstructional Methods. No more than one year of an academic program can be completed using any combination of the noninstructional methods set forth in subparagraphs (A), (B), and (C) of this paragraph:

(A) Advanced Placement credit integral to the approved degree curriculum may be awarded in the lower-division up to a limit of one academic year for passing examinations constructed by testing organizations satisfactory to the commission.

(B) Challenge examination credit as an actual component of the approved degree curriculum may be awarded only at the undergraduate level for successful performance on a final course examination, or on a similar test covering all course content, given by the school in lieu of requiring class attendance. No more than 25 percent of an undergraduate degree program may be earned through challenge examinations.

(C) Noncollegiate learning integral to the approved degree curriculum may be awarded credit only at the undergraduate level for learning validated by a student portfolio, a credit evaluation guide issued by the American Council on Education, or a similar criterion. Such learning must be formulated through sufficient contact between teacher and student, communicated competently in terms of ideas (e.g., concept, generalization, analysis, synthesis, proof) rather than mere description, and judged by faculty members or contracted experts demonstrably qualified to evaluate it. Upper-division credit of this type may be awarded only in academic fields in which the school employs its own faculty. No more than 25 percent of an undergraduate degree program may be earned through award of credit for noncollegiate work.

(6) Curriculum. The school shall assure the quality of all attendant teaching, learning, and faculty-student interaction. The curriculum shall have a structure that reflects faculty responsibility for what is to be learned overall, as well as in each course, and thus for the logical sequence and increasing difficulty of subjects and instructional levels. While requirements are sometimes listed in both semester and quarter credit hours, the commission usually states credit hours as semester credit hours. If quarter credits are not listed, colleges using the quarter system should multiply the stated credits by 1.5 to obtain the correct requirement in quarter credit hours (QCH) under quarter systems. These are the basic requirements for different kinds of degrees available in Oregon. The commission's executive director may approve minor variations from these curriculum standards in order to allow programs to operate efficiently.

(a) Undergraduate Programs. All associate and bachelor's degrees require one year (at least 6 semester (SCH) or 9 quarter credit hours (QCH) or equivalent alternate term credit hours) of English composition or equivalent commission-approved writing courses. Students may meet this requirement by achieving a score on a nationally normed test that would permit a waiver of English composition requirements or the award of academic credit in English composition at an accredited college or university.

(b) Associate's Degrees. An associate's degree requires at least two academic years (60 semester credit hours or 90 quarter credit hours) in FTE postsecondary study. The degree requires at least 15 SCH or 22 QCH in general education courses, including the undergraduate English composition requirement.

(A) Associate of Arts. A full-transfer degree, the A.A. requires two academic years applicable to B.A. or B.S. study fulfilling baccalaureate liberal arts requirements. A major is optional. Thus, the A.A. requires 24 SCH

(36 QCH) in the liberal arts and sciences, with at least 6 hours (9 QCH) each in the humanities, sciences, and social sciences.

(B) Associate of Science. A limited-transfer degree, the A.S. requires a major and two academic years applicable to professional or technical baccalaureate study. The A.S. degree requires 24 SCH (36 QCH) in the humanities, sciences and social sciences, or in non-vocational courses closely related to them.

(C) Associate, Professional or Technical. A terminal degree, the professional or technical associate's degree requires a major (Degree title examples: Associate of Applied Arts, Associate of Applied Science, Associate of Technology, Associate of Occupational Studies, Associate of Business, Associate of Religion). In addition to the major requirements, this degree requires the basic 15 SCH or 22 QCH in general education courses, including the English composition requirement.

(c) Bachelor's Degrees. A bachelor's degree, or baccalaureate, requires at least four academic years (120 SCH or 180 QCH) in FTE post-secondary study. At least 40 semester credit hours (60 QCH) shall be in upper-division courses, and no more than two academic years of instruction (no more than 50 percent of credit hours used for the degree) shall be from schools that do not offer baccalaureate degrees.

(A) General Education: The degree requires one academic year (at least 30 SCH or 45 QCH) of general education, which includes the one-year undergraduate English composition requirement.

(B) Major Field: The degree requires distinct specialization, i.e., a "major," which entails approximately one academic year of work (30 SCH or 45 QCH) in the main subject, with 20 SCH (30 QCH) in the upper division and 15 SCH (22 or 23 QCH) of upper-division hours taught by the resident faculty. A dual major simply doubles these numbers.

(C) An interdisciplinary major is also permitted. It requires two academic years (60 SCH) in either three or four disciplines, with at least 15 hours in each discipline and at least 9 upper-division hours in each. A school may offer a major or an interdisciplinary option in any field in which it has more than one fully qualified teacher if at least one teaches full time.

(D) Degrees. The following bachelor's degree names, levels and types are available in Oregon:

(i) Bachelor of Arts. An arts degree, the B.A. requires competency in a foreign language and one academic year in the humanities, i.e., 30 SCH, of which 12 can be in foreign languages. The language competency requirement is equivalent to the 12 hours, the second-year level, and ESL students can satisfy it with 12 hours of English language and literature. As general education outside the major, the B.A. requires 24 SCH in the liberal arts and sciences, with at least 6 hours in each of the three areas: humanities, social sciences, and natural sciences.

(ii) Bachelor of Science. A science degree, the B.S. requires one academic year in the social or natural sciences, i.e., 30 SCH, of which 12 can be in mathematics and state-approved computer courses. As general education outside the major, the B.S. requires 24 SCH in the liberal arts and sciences, with at least 6 hours in each of the three areas: humanities, social sciences, and natural sciences.

(iii) Bachelor, Professional. As general education outside the major, the professional bachelor's degree requires 24 SCH hours in the liberal arts and sciences, with at least 6 hours in each of the three liberal arts and sciences areas: humanities, social sciences, and natural sciences.

(iv) Bachelor, Technical. As general education outside the major, the technical bachelor's degree requires 24 SCH in the liberal arts and sciences, or in non-vocational courses closely related to them, with at least 3 semester hours in each of the three areas: humanities, social studies, and natural sciences, and a total of at least 9 in the two areas most unrelated to the major.

(d) Graduate Degrees. A graduate curriculum shall reflect a concept of the graduate school as a group of scholars, the faculty members of which have had extensive collegiate teaching experience and are engaged in the advancement of knowledge. A graduate degree must involve teaching by such qualified faculty and cannot be earned solely by testing and/or portfolio review.

(A) A master's degree shall require at least one full academic year in FTE post-baccalaureate study, except that a first-professional master's degree may be authorized for study beyond fulfillment of undergraduate requirements approved by the commission if the total period of study is at least five academic years. The curriculum shall specialize in a single discipline or single occupational or professional area and culminate in a demonstration of mastery such as a research thesis, a work of art, or the solution of a practical professional problem.

(B) A doctor's degree shall require at least three academic years in specialized post-baccalaureate FTE study, except that a first-professional

ADMINISTRATIVE RULES

doctor's degree may be authorized for four academic years of study beyond fulfillment of undergraduate requirements approved by the commission. Study for a closely related master's degree may be counted toward doctoral requirements. The doctor's degree shall represent a student's ability to perform independently basic or applied research at the level of the professional scholar or to perform independently the work of a profession that involves the highest levels of knowledge and expertise. Requirements for the degree shall include demonstration of mastery of a significant body of knowledge through comprehensive examination, unless a graduate must pass a similar examination in order to be admitted to professional practice in Oregon. The curricular program of a research degree shall be appropriately broad and shall manifest full understanding of the level and range of doctoral scholarship, the function of a dissertation and its defense, the nature of comprehensive examination, and the distinction between matriculation and degree candidacy.

(7) Learning. The school shall require each student to complete academic assignments and demonstrate learning appropriate to the curriculum undertaken.

(a) Teachers or evaluators shall inform students clearly using a syllabus or similar instrument of what should be learned in each course and how it will be measured.

(b)(A) Expectations of student performance shall be increased with each ascending step in degree level. Higher degrees must represent an increase in the difficulty of work and expectations of students, not simply a cumulation or increase in quantity of student work.

(B) Evidence of expectation (e.g., syllabi and sample exams) and performance (e.g., student grades) shall be retained for all academic courses for at least one year.

(c) The school shall require students to make continuous progress toward a degree while they are enrolled and liable for tuition and shall suspend or dismiss those who do not make such progress, except that a period of probation with guidance may be instituted in order to obviate separation of a student who can be expected to improve immediately. Continuous progress for students receiving Title IV federal student aid shall be defined according to federal Title IV standards. Students not receiving Title IV federal student aid shall meet the school's own published standards for satisfactory progress.

(d) Grading and appeal procedures shall be fair and administered equitably, and criteria of student progress shall be validated by research if not obviously valid.

(8) Recruitment:

(a) The school is responsible for ensuring that its recruitment agents are knowledgeable about the school's:

(A) History and accreditation;

(B) Programs of study;

(C) Admission and assessment requirements;

(D) Ability to assist in providing housing and/or job placement;

(E) Financial policies and procedures, including the point at which students can expect to receive financial aid disbursements;

(F) Refund policy;

(G) Graduation requirements and rates;

(H) Rules and regulations; and

(I) Placement rates if they are used in recruiting.

(b) The school is responsible for insuring that its recruitment agents are providing accurate, realistic information about the school, its policies and achievements, and its ability to assist students.

(c) A prospective student shall receive a complete description of the school and its policies, including an estimate of annual or program costs, before being enrolled. This estimate is not binding on the institution but must give prospective students a reasonable idea of their financial commitment.

(d) Where a degree or certificate implies preparation for a specific occupation, the school shall explain clearly the true relationship between its curriculum and subsequent student qualification for occupational practice, including employment rates in the field and graduates' success rates in passing licensure examinations if applicable. Employment rates in the field claimed by a particular program shall treat graduates as employed in the field only if the position in which the graduate is employed meets the following conditions.

(A) is at least half-time.

(B) is usually filled by a person with a credential of the kind offered by the program or is one in which holders of such a credential have a competitive advantage in the workplace because of training of the kind provided by the program.

(C) employs the graduate within six months of program completion in a position that is intended to be permanent, i.e. not for a defined period of time. The school has the burden of showing that the position is intended to be permanent.

(e) The school shall take precautions to avoid unrealistic expectation of housing availability and cost when the school does not provide housing and job placement, including part-time employment and practica during the student's enrollment.

(f) A claim made to attract students shall be documented by evidence available to any person on request. The school shall make no attempt to attract anyone who does not appear likely to benefit from enrollment, and no attempt to attract students on any basis other than instruction and campus life appropriate to an educational institution.

(g) Outside the regular student financial aid process, there shall be no discounting of tuition as an incentive to enroll.

(9) Admission. The school shall offer admission only on receipt of evidence that the applying student can reasonably expect to complete a degree and to benefit from the education obtained.

(a) A student admitted to undergraduate degree study for the first time shall have either a standard high school diploma, a comparable credential issued outside the United States or a GED. Home-schooled students without a standard diploma or GED may only be admitted if they can demonstrate the ability to perform college-level academic work through use of an ability-to-benefit test. Modified diplomas, extended diplomas and other kinds of K-12 leaver certificates are not considered diplomas for purposes of college admissions. Students holding such nonstandard certificates can be admitted only through use of an ability-to-benefit test.

(b) A student admitted to undergraduate degree study with undergraduate experience shall have a record of successful performance therein or else a record of responsibility and achievement following unsuccessful collegiate performance.

(c) A student admitted to graduate degree study shall have a baccalaureate degree from a school that is accredited, authorized to confer degrees in Oregon, or otherwise approved by the commission either individually or by category.

(d) A student admitted to first-professional degree study shall have at least three academic years of accredited or commission-approved undergraduate credit, graded average or better, including pre-professional courses specified by the school and approved by the commission.

(10) Guidance. The school shall help students to understand the curriculum and to make the best use of it.

(a) There shall be a program of general orientation for new students.

(b) Each student shall be assigned a qualified academic advisor to assist individually in planning, course selection, learning methods, and general adjustment.

(c) The school shall provide career guidance to the extent that curriculum is related to a specific prospective occupation or profession.

(11) Student Affairs. Through both services and supervision the school shall demonstrate commitment to the success of individual students and to maintenance of an atmosphere conducive to learning.

(a) Rules of student conduct shall be reasonable, sufficiently specific, fully communicated, systematically and equitably enforced, and accompanied by policy and practice of disciplinary due process, including notice and hearing and related rights.

(b) Health, counseling or psychological services provided to students must meet requirements for professional practice in Oregon.

(c) Housing where provided or endorsed by the school shall be conducive to study and adequately supervised.

(d) Financial aid services shall be provided by qualified administrators.

(e) Placement services where provided shall be described clearly to students, and the school shall take precautions to avoid unrealistic expectation of placement.

(f) Records documenting relationships between the school and a student shall be open to that student, who may request changes or enter dissenting comments, and the content of records shall be objective and fair. The private notes of a counselor are not to be considered educational records and shall not be transmitted as such, either inside or outside the school. All medical records are confidential and shall not be released without permission of the patient.

(g) There shall be available to undergraduate students and responsible for student affairs an official who possesses knowledge, skill, and managerial experience particularly appropriate to the function, unless the commission waives this requirement. In general, waivers are granted only for small startup schools in their first approval cycle and for schools that mainly

ADMINISTRATIVE RULES

teach people who are of nontraditional age (23 or older) or already in the workforce.

(h) Every school shall distribute a student handbook or similar publication describing services and regulations, unless such descriptions are complete in the school's main catalog.

(12) Information. The school shall be scrupulously ethical in all communication with the public and with prospective students. School publications, advertisements, and statements shall be wholly accurate and in no way misleading. Reference to state approval shall be limited to that described in OAR 583-030-0041. Reference to accreditation shall be limited to that defined in OAR 583-030-0000.

(a) The school shall publish at least every two years a catalog or general bulletin. The catalog shall contain a table of contents and adequate information concerning period covered, school name and address, telephone numbers, state approval, purpose, relationship to occupational qualification, faculty and administrators (listing position or teaching specialization together with all earned degrees and their sources, omitting unearned degrees and not confusing professional licenses with degrees), degree requirements and curricula, academic calendar, credit policy in accordance with subsection (5) of this rule, transferability of credit to other schools, admission requirements and procedures, academic advising and career planning, academic policies and grading, rules of conduct and disciplinary procedure, student services (e.g., counseling, health, placement, housing, food, bookstore, activities, organizations), student records, library, facilities, fees and refunds, estimated total expenses, financial aid, and job opportunities for current students. Electronic publication meets this standard provided that a paper version of the catalog is provided to the commission, is available to students upon request, and is maintained as the official version in order to avoid confusion if electronic versions are changed.

(b) A school without regional accreditation shall print in a separate section of its catalog titled "transfer of credit to other schools" a statement warning students verbatim that "transfer of credit is always at the discretion of the receiving school, generally depends on comparability of curricula, and may depend on comparability of accreditation." Other comments may follow concerning the school's documented experience in credit transferability, but it must be clear that a student should make no assumptions about credit transfer.

(13) Credentials. The school shall provide accurate and appropriate credit transcripts for students who enroll and diplomas for students who graduate.

(a) The school shall maintain for every past and present student, and shall issue at the request of any student who is not delinquent in fee payment, a current transcript of credits and degrees earned. The transcript shall identify the school fully and explain the academic calendar, length of term, credit structure, and grading system. It shall identify the student and show all prior degrees earned, details of any credit transferred or otherwise awarded at entry, and periods of enrollment. It shall include for each period of enrollment every completed course or module with an understandable title, number of credits earned, and grade received. The transcript shall note with or without explanation if the student is not immediately eligible to continue enrollment, e.g., for reasons of academic probation or suspension.

(b) Upon satisfaction of degree requirements and payment of all fees owed, the school shall provide the graduating student with a diploma in a form approved by the commission, appropriately documenting conferral of the degree.

(14) Records. The school shall keep accurate and safe all records affecting students. There shall be at all times complete duplicate transcript information kept in a location away from the original transcripts, such that duplicates and originals are not exposed to risk of simultaneous damage. In addition to transcripts, which may never be destroyed, the school shall maintain detailed records documenting the significant parts of its formal relationship with each student: financial transactions and accounts, admission qualifications, validation of advanced standing, instructor course records as posted to transcripts, and status changes due to unsatisfactory performance or conduct. Such supporting records shall be kept safe for a period of at least three years after a student has discontinued enrollment. Instructor course records other than those posted to transcripts shall be kept for at least one year.

(15) Library. The school shall provide or arrange for its faculty and students direct or electronic access to verbal and sensory materials sufficient in all subjects of the curriculum to support instruction and to stimulate research or independent study.

(a) The school may arrange for comprehensive privileges from libraries of other organizations, provided it can prove convenient access

and extensive use, but the school shall retain full responsibility for adequacy of resources available to students.

(b) Library services shall be under the direction of a person educated professionally in library and information studies, except that the commission may waive this requirement where the range of academic fields represented is narrow.

(c) Library resources shall be current, well distributed among fields in which the institution offers instruction, cataloged, logically organized, and readily located.

(d) The school should conform to the following guidelines for library services unless it can justify a deviation on the basis of unusual educational requirements.

(A) With the exception of those in specialized associate's degree programs, students should receive direct, contracted or electronic access to a minimal basic collection equivalent to that held by accredited schools offering similar programs. The applicant school must demonstrate this comparability.

(B) Staff should include a professional librarian for each 1,000 students, with clerical support adequate to relieve librarians of all non-professional duties.

(C) Students should have full access to all resources for at least 40 hours per week, and all services should be available for 20 hours per week. The facility, whether provided by the college directly or by contract, should seat no less than 10 percent of the students enrolled unless the program is primarily intended to train practitioners in technical or fine arts fields, in which case a lower percentage may be requested. If the school meets the library standard largely by electronic means, electronic services must be available to a comparable portion of the student body for a comparable period.

(16) Facilities. The school shall have buildings and equipment sufficient for the achievement of all educational objectives.

(a) Buildings in general, including student or faculty housing units, shall be uncrowded, safe, clean, well furnished, and in good repair; and they shall be well lighted, heated, ventilated, and protected from noise. School grounds where provided shall be appropriately used and adequately maintained.

(b) Instructional facilities shall be adequate and conducive to learning. There shall be no less than 15 square feet per student station in classrooms, with at least one station for every two FTE students enrolled. Total classroom and study area, including library space for reading, shall be no less than 10 square feet per FTE student.

(c) Laboratory space and instructional equipment shall be inventoried, its use explained on the resulting report, and its adequacy defended on criteria obtained from experts and documented by the school. A laboratory ordinarily shall have no less than 30 square feet per student station.

(d) Clinical facilities and other public service areas shall be appropriate for instruction of students as well as for service to patients or clients.

(e) Faculty offices shall be sufficient to prevent crowding and to allow private conversations with students.

(17) Finance. The school shall have financial resources sufficient to ensure successful continuing operation and to guarantee full refund of any unearned tuition. There shall be competent financial planning using complete and accurate records. The school shall demonstrate satisfaction of this standard upon application, and thereafter annually, by submitting independently audited financial statements with opinion by a certified public accountant.

(a) Financial reports shall be prepared in a format acceptable to the commission, clearly delineating assets and liabilities and informatively classifying revenues by source and expenditures by function. In some cases, the commission at its discretion may accept an audited balance sheet with opinion, together with annual operating statements that have been reviewed by the auditor. A school that is a subsidiary shall submit financial statements of the parent corporation on request. In unusual circumstances, the commission's executive director may require a special investigative audit and report.

(b) Current assets shall be entirely tangible and such that the school is not dependent for solvency on substantial increases in receivables collection rate, gifts, tuition rates, or enrollment. Prospective tuition for which a student is not legally liable is not an asset and shall not be shown as a receivable or other balance sheet asset. Tuition collected but still subject to refund shall be shown as a "prepaid" or "unearned" tuition liability.

(c) A school unable to demonstrate financial strength may be permitted at the discretion of the commission's executive director to submit a surety bond in amount equal to the largest amount of prepaid tuition held at any time. The bond would be subject to claims for tuition refund only.

ADMINISTRATIVE RULES

(d) The school shall carry casualty and general liability insurance sufficient to guarantee continuity in case of accident or negligence, and it shall provide or else require by policy professional liability insurance for all of its officers and employees.

(18) Fees and Refunds. The school shall maintain fee and refund policies that are fair, uniformly administered, and clearly explained in the school catalog as well as in any contract made with students. A student shall not be enrolled without having received the explanatory material. The school shall not change its tuition or fees more than once during a calendar year.

(a) Tuition shall be charged by the credit hour or by fixed rate for instruction during an academic semester, quarter, or shorter term. No student is obligated for tuition charged for a term that had not commenced when the student withdrew or a term that was truncated by cessation of school services.

(b) Except as noted below in this section, fees not included in tuition shall not exceed five percent of full-time tuition for any term in which separate fees are charged. One-time application or admission fees may exceed 5 percent of first-term tuition but shall not exceed \$200. Lab or equipment fees related to the actual necessary operational costs of specific courses may exceed 5 percent of tuition provided that the fees are made known to students prior to enrollment in the course. Nominal fees for late payments, course withdrawals and the like are acceptable.

(c) After classes begin for a term, a student who withdraws from a course is eligible for a partial refund through the middle week of the term. Refunds shall be based on unused instructional time and shall be prorated on a weekly basis for schools using a semester, quarter, or nontraditional calendar. Without specific commission approval, refund rates shall not be differentiated on the criteria of a student's source of income or loan repayment obligations except as otherwise required by law.

(d) Any fees for credit transferred, for credit attempted or earned by examination or portfolio must be based on the cost of service actually provided, ordinarily less than the cost of regular instruction. The mere award of credit does not justify a fee.

(e) Academic policies shall not artificially prolong the enrollment of a failing student with the effect of increasing financial obligation.

(f) Separation from the school for reason of discipline or other administrative action shall not cause forfeiture of ordinary refund amounts.

(19) Evaluation. The school shall, in order to improve programs, evaluate its own educational effectiveness continually in relation to purpose and planning, including in all aspects the opinions of students. There shall be evaluation of present curriculum and instruction, of attrition and reasons for student withdrawal, and of performance by students after their graduation. In addition to the comments of graduates, employer opinions and licensing examination records should be used in the post-graduation study.

(20) Fair Practice. Notwithstanding the absence of a specific standard or prohibition in this rule, no school authorized to offer degrees or seeking to qualify for such authorization shall engage in any practice that is fraudulent, dishonest, unethical, unsafe, exploitive, irresponsible, deceptive, or inequitable and thus harmful or unfair to persons with whom it deals.

Stat. Auth.: ORS 348.606

Stats. Implemented: ORS 348.603 & 348.606

Hist.: ECC 22, f. & ef. 12-22-75; ECC 2-1980, f. & ef. 4-14-80; ECC 3-1981, f. & ef. 12-16-81; EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01; ODA 1-2002, f. & cert. ef. 2-19-02; ODA 1-2003, f. & cert. ef. 4-16-03; ODA 4-2003, f. 10-29-03, cert. ef. 11-1-03; ODA 2-2004(Temp), f. & cert. ef. 2-11-04 thru 7-30-04; Administrative correction 8-19-04; ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05; ODA 2-2010, f. & cert. ef. 11-16-10; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-030-0036

Schools With Limited Resident Instruction in Oregon

(1) Accredited schools offering limited resident instruction in Oregon are reviewed using modified standards and procedures under the following conditions:

(a) Courses are highly specialized or offered for a period of less than three years;

(b) Information from the school is clear;

(c) Advice and assistance are accessible for students;

(d) Tuition refund policies meet requirements established by the commission;

(e) Program evaluation is done systematically by the school;

(f) Curricula for Oregon residents are identical to those at a main campus;

(g) Instruction relayed either live or on recordings is received in Oregon just as it was presented during resident instruction;

(h) Academic assignments and testing and grading policies for Oregon students are identical to those for students on a main campus; and

(i) All members of the faculty teaching from Oregon or teaching Oregon resident students hold degrees meeting Oregon standards.

(2) If limited or restricted residential instruction is authorized, the client organization must ensure full library services, employ persons qualified by a higher degree and experience to judge the quality of the degree program, and appoint a site coordinator who will assist with any inspections and provide information to the commission.

Stat. Auth.: ORS 348.606

Stats. Implemented: ORS 348.603 & 348.606

Hist.: EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2003, f. & cert. ef. 4-16-03; ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-030-0038

Nondegree Certificates and Diplomas Granted by Degree-Granting Schools

(1) A school that is authorized to grant a degree may also grant certificates in the same field without an independent review of the certificate, provided that the certificate is granted for completion of a specified set of courses approved in a degree curriculum as part of degree authorization.

(2) A school that is authorized to grant a degree and wants to offer a certificate in a field in which the school is not authorized to grant a degree must apply for approval for the certificate. The process will be shorter and less elaborate than for a degree authorization.

(3) An education provider that does not have the legal authority to offer degrees anywhere and wants to offer college-level courses for credit without applying for authority to issue degrees may apply for approval to do so under the same standards as a degree applicant. Any such approval is limited to three years unless the provider establishes a transfer agreement with at least one accredited school.

Stat. Auth.: ORS 348.594 & 348.606

Stats. Implemented: ORS 348.594, 348.603 & 348.606

Hist.: ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-030-0039

Honorary Degrees

A school authorized under this rule to offer academic degrees at or above the baccalaureate level may obtain permission from the commission, or be permitted by the standards of an accreditor under OAR 583-030-0037, to confer an honorary degree with a title clearly differentiated from the titles of earned degrees authorized or likely to be authorized in the state. The basis for a proposed honorary degree must be consistent with generally accepted practice among long established colleges and universities, thus reflecting great scholarly achievement, professional distinction, or humanitarian service. An honorary degree must be represented so as to be clearly not earned through collegiate study. No school shall otherwise offer or confer an honorary degree in or from Oregon. An honorary degree is honorific only and is not a public credential valid for academic and professional purposes.

Stat. Auth.: ORS 348.606

Stats. Implemented: ORS 348.606

Hist.: EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98; Renumbered from 583-030-0022, ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-030-0041

Authorization Statement in School Catalog

(1) Upon receipt of authorization to offer instruction or related services leading to one or more degrees, and until such time as that authorization has expired or been revoked, an Oregon school shall print the following statement prominently on the inside front cover, facing page, or other page approved by the Higher Education Coordinating Commission of its catalog and any general bulletin, shall include the statement with any internet web site announcement, and may publish the statement in other school announcements. Choose one descriptive term from each parenthetical pair.

This school (is) (is a unit of a (business) (nonprofit) corporation authorized by the State of Oregon to offer and confer the academic (degree) (degrees) described herein, following a determination that state academic standards will be satisfied under OAR chapter 583, division 30. Inquiries concerning the standards or school compliance may be directed to the Higher Education Coordinating Commission (use current address).

(2) A non-Oregon school shall print or affix the above statement on the inside front or back cover (preferred) or on an appropriate page approved by commission's executive director of every catalog distributed in Oregon.

Stat. Auth.: ORS 348.606

Stats. Implemented: ORS 348.603 & 348.606

Hist.: EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; SSC 1-1997(Temp), f. & cert. ef. 8-25-97; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 2-2000, f. 7-7-00, cert. ef. 7-20-00; ODA 4-2003, f. 10-29-03, cert. ef. 11-1-03; ODA 2-2004(Temp), f. & cert. ef. 2-11-04 thru 7-30-04; Administrative correction 8-19-04;

ADMINISTRATIVE RULES

ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-030-0042

Reporting Requirements

(1) A school authorized to offer instruction or related services leading to one or more degrees under the standards in OAR 583-030-0035 shall submit to the Higher Education Coordinating Commission annually, with a form provided by the commission, a brief report of activities and planning in the academic or fiscal year just ended. In its report, the school shall describe any important changes in academic or administrative policies, facilities or locations of instruction, and organization or personnel. The school shall also supply data such as teacher turnover and student enrollment, completion, and placement as requested on state forms provided by the commission, together with current catalogs and the latest independent financial audit not previously submitted. Between annual reports, the school shall send to the commission promptly qualification forms of new owners, governing board members, officers, administrators, or teachers serving Oregon students, and shall send immediately the details of any possible or anticipated change of ownership or governance or any other matter having extensive effect on the school.

(2) A school authorized to offer instruction or related services leading to one or more degrees under OAR 583-030-0011 shall report as described in the preceding paragraph, except that reporting of new governing board members, officers, administrators, or teachers is not required. The reporting of any possible or anticipated change of ownership or governance or other major change should be immediate.

(3) A non-Oregon school authorized to offer instruction or related services leading to one or more degrees but without resident instruction or with limited resident instruction in Oregon under OAR 583-030-0036, shall submit to the commission annually, with a form provided in the fall, a brief report of activities and planning in the academic or fiscal year just ended insofar as Oregon students would be affected. In its report, the school shall describe as they might affect Oregon residents any important changes in academic or administrative policies, facilities or locations of instruction, and organization or personnel. The school shall also supply Oregon enrollment and degrees-granted data on a state form provided by the commission, together with current catalogs and the latest independent financial audit not previously submitted. Between annual reports, the school shall send to the commission's executive director immediately details of any possible or anticipated change of ownership, governance, curriculum, Oregon site coordinator, teachers or other matter having potential importance to Oregon students.

(4) A school that offers exempt religious degrees is subject to the annual self-certification requirements set forth in ORS 348.608.

(5) An authorized degree-granting school shall continue during the period of its authorization to respond promptly to any requests made by the commission's executive director for general or particular information and shall supply the information as directed. Monthly reporting may be required for a school determined to be at risk.

(6) A school that ceases to offer any authorized or exempted degree or the instruction related thereto, other than during regular academic recesses, shall notify the commission's executive director immediately and may not reinstate the degree program without permission.

Stat. Auth.: ORS 348.606
Stats. Implemented: ORS 348.596 & 348.606
Hist.: EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2003, f. & cert. ef. 4-16-03; ODA 4-2003, f. 10-29-03, cert. ef. 11-1-03; ODA 2-2004(Temp), f. & cert. ef. 2-11-04 thru 7-30-04; Administrative correction 8-19-04; ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-030-0043

Duty to Notify Employees and Students of Change in Status

Any school for which degree authorization has expired or been revoked or suspended shall immediately in writing notify all employees and students of its change in status. The school shall not lead students or employees to conclude that restoration of degree granting is assured.

Stat. Auth.: ORS 348.606
Stats. Implemented: ORS 348.606
Hist.: EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-030-0044

State Responsibility for Student Records

(1) The state is ultimate custodian of records documenting in transcript form the admission, academic degree credits, and performance ratings of students enrolled in Oregon schools that have been authorized by

the Higher Education Coordinating Commission to offer instruction or related services in or from Oregon leading to degrees that are valid as public credentials. Whenever such transcripts appear to be at risk of damage, loss, or misappropriation, the commission's executive director may direct a school to change its practices in order to safeguard the records, and the school shall comply immediately.

(2) If such an authorized Oregon school plans to discontinue operations or is warned by the commission's executive director specifically because of failure to safeguard student records, the school shall promptly furnish to the commission legible paper copies of fully current transcripts.

(3) If such an authorized Oregon school discontinues operation or has degree authorization revoked or suspended, it may seek commission permission to place original transcripts in the custody of a related or similar school that will continue to issue them on behalf of former students. The commission will approve another school as custodian or else seek possession of the original transcripts, if necessary by court order.

(4) The commission on request may take possession of transcripts from a closing Oregon unit of a non-Oregon degree granting school, if that appears to be the only way to protect Oregon residents who were enrolled at the Oregon unit.

(5) Upon taking possession of student academic transcripts, the commission will issue a transcript copy at the request of any student who is not delinquent in fee payment, except that the commission will not issue such transcript copies while any unit of the school of origin or the assigned custodial school can administer their issuance. Individual student records are confidential and not commission records open to the public.

Stat. Auth.: ORS 348.606
Stats. Implemented: ORS 348.606
Hist.: EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-030-0045

Revocation of Authorization

(1) The Higher Education Coordinating Commission, after a hearing before an Administrative Law Judge, may under ORS 348.612, revoke or suspend authorization given to a school to confer or offer to confer degrees in or from Oregon, or to offer instruction or related services in or from Oregon purporting to lead to a degree in whole or in part. Revocations resulting from a change in state or federal law or judicial ruling do not require the use of a hearing officer.

(2) A hearing to consider a proposed revocation or suspension shall be held only after the affected school has been given written notice of the time and place of such hearing 21 days in advance.

(3) Revocation or suspension of degree authorization applies to a school as a whole, inasmuch as failure to satisfy any state requirement for offer of any degree constitutes failure to satisfy all requirements applicable to the school. Refusal by a school to discontinue any substandard offer or practice, regardless of the quality of any other offer or practice, will lead the commission to propose revocation or suspension of approval and/or civil or criminal action.

(4) A school whose degree authorization is revoked shall be considered for reinstatement only after one year and only when the commission's executive director is satisfied that causes of the revocation have been entirely removed. Application for reinstatement from a school in revoked status shall comply with all requirements for a new applicant.

(5) A school whose degree authorization is suspended shall be considered for reinstatement only when the commission's executive director is satisfied that causes of the suspension have been entirely removed. Application for reinstatement from a school in suspended status shall comply with all requirements for a renewing applicant.

(6) Grounds for revoking or suspending the degree authorization of a school include changes in state or federal law or judicial rulings affecting the status of a school or its failure to provide services it has guaranteed to students in writing; failure to supply records and other information to the Office as directed; falsification of any information supplied to the commission, students, or the public; failure to comply with all applicable requirements of OAR chapter 583, division 30; and failure to prove to the satisfaction of the commission's executive director on request compliance with any such requirement with respect to which the school's current performance is questioned specifically by the commission as a result of routine monitoring or individual complaint.

(7) Revocation or suspension requires a school immediately to cease and desist from offering in or from Oregon any degree, instruction, or related services purporting to lead to a degree in whole or in part, except that the commission at its discretion may permit a revoked or suspended school to complete an academic term already in progress on the date of the action.

ADMINISTRATIVE RULES

During such period of completion the school may not enroll new students, and it may not offer to those already enrolled any instruction or services purporting to lead to a degree that would be earned and conferred later than the immediate end of the term in progress. Completion of such term with good faith and fair dealing toward currently enrolled students or reasons for failure to so complete the term shall be factors in any subsequent consideration of a revoked or suspended school for reinstatement.

(8) A separate revocation process for schools exempted on religious grounds is listed in ORS 348.608.

Stat. Auth.: ORS 348.606

Stats. Implemented: ORS 348.603, 348.606 & 348.612

Hist.: ECC 22, f. & ef. 12-22-75; EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 2-2000, f. 7-7-00, cert. ef. 7-20-00; ODA 1-2003, f. & cert. ef. 4-16-03; ODA 1-2004, f. & cert. ef. 1-14-04; ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-030-0046

Fees and Expenses

(1) Each application from a school seeking new or renewed authorization to confer or offer to confer a degree, or through instruction or related services to provide academic credit applicable to a degree, shall be accompanied by payment of a fee to the "Higher Education Coordinating Commission." There is no entitlement to refund of a paid fee under any circumstances. The fee is intended to recover the expenses of carrying out a review and providing services to a school during its period of authorization.

(2) The fees imposed by the commission for reviewing applications seeking new or renewed authorization to confer or offer to confer a degree are based on the schedule established by the Legislative Assembly in ORS 348.606.

(c) Fee discounts.

(A) In reviewing simultaneous application for two or more degrees, the commission at its discretion may reduce the fee for review of a degree that is closely related in type and content to one on the same level for which the full fee is paid. Such a reduction ordinarily depends on the provision of instruction by a single faculty for both degrees. Degrees on the same level using at least 50 percent of the same courses, taught by at least 50 percent of the same faculty, will be treated as one degree application for review and fee purposes.

(B) The commission at its discretion may also reduce the fee when institution size, low faculty and administrative turnover, stability of ownership or board membership or other factors substantially reduce staff time required for evaluation and subsequent oversight and service. Such reductions are limited to 20 percent below the basic fee.

(C) The fee for religious-exempt schools may not exceed the lesser of the actual cost to the commission of determining the school's compliance with the requirements for an exemption under ORS 348.604, and may not exceed \$1,000.

(3) Application from a school for authorization to offer instruction or related services providing academic credit applicable to a degree offered only by another school or schools shall be accompanied by fees proportionate to those established in the paragraph immediately above. However, such fees may be discounted at the discretion of the commission to reflect a program of reduced dimension if and only when the necessary review analysis is concomitantly reduced.

(4) When the commission's executive director finds it necessary to pay an expert outside consultant for assistance in reviewing an application, or when it incurs other unusual expenses in the course of review, all costs thus incurred may be charged to the applicant school in addition to the basic fee.

Stat. Auth.: ORS 183 & 348

Stats. Implemented: ORS 348

Hist.: ECC 1-1982(Temp), f. & ef. 3-12-82; ECC 2-1982, f. & ef. 9-8-82; EPP 1-1988, f. & cert. ef. 1-7-88; EPP 1-1993, f. & cert. ef. 6-28-93; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; SSC 1-1997(Temp), f. & cert. ef. 8-25-97; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2000, f. & cert. ef. 2-29-00; ODA 1-2001, f. & cert. ef. 6-27-01; ODA 1-2003, f. & cert. ef. 4-16-03; ODA 4-2003, f. 10-29-03, cert. ef. 11-1-03; ODA 2-2004(Temp), f. & cert. ef. 2-11-04 thru 7-30-04; Administrative correction 8-19-04; ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-030-0049

Criminal and Civil Penalties

(1) Without authorization from the Higher Education Coordinating Commission as provided in this rule, any offer of a degree or of services purporting to lead to a degree in whole or in part is a Class B misdemeanor under ORS 348.992. Complaints may be brought to a prosecutor against any person acting individually or in concert with others, including any person assisting a school as defined in OAR 583-030-0000(23).

(2) Without authorization from the commission as provided in this rule, any offer of a degree or of services purporting to lead to a degree in whole or in part may be a violation of Oregon's Unlawful Trade Practices Act (UTPA), ORS 646.605 to 646.652. The commission may in addition request injunctive relief or a civil penalty against violators. Complaints may be brought to the Oregon Department of Justice against any person acting individually or in concert with others, including any person assisting a school as defined in OAR 583-030-0000(23).

Stat. Auth.: ORS 348.606

Stats. Implemented: ORS 348.606 & 348.992

Hist.: EPP 1-1993, f. & cert. ef. 6-28-93; EPP 1-1995, f. & cert. ef. 10-6-95; EPP 1-1996, f. & cert. ef. 8-7-96; SSC 1-1997(Temp), f. & cert. ef. 8-25-97; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01; ODA 1-2003, f. & cert. ef. 4-16-03; ODA 5-2005, f. 12-1-05, cert. ef. 12-7-05; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-040-0005

Purpose and Scope

(1) This rule implements Oregon Revised Statutes (ORS) 348.603, which assigns to the Office of Degree Authorization under purview of the Student Assistance Commission responsibility to prevent new publicly funded postsecondary programs or locations from causing detrimental duplication or significantly adverse intersegmental impact. The rule further implements ORS 348.594, 348.596, and 348.992 insofar as those sections relate to ORS 348.603.

(2) Before a proposed new publicly funded postsecondary program or location may be implemented, ORS 348.603 requires that the Office of Degree Authorization shall have reviewed the proposal and taken action if either detrimental duplication or adverse intersegmental impact seems likely. If the Office cannot resolve all issues through recommendations to proposing and responding schools or their ultimate governing boards, or through mediation between representatives of involved boards, the Oregon Student Assistance Commission has final authority for approval or disapproval of the program or location that is proposed.

(3) ORS Chapters 326 and 351 provide for the cooperation of the State Board of Education and the State Board of Higher Education and require compliance with decisions of the Oregon Student Assistance Commission in exercising its final authority for approval or disapproval of a proposed new program or location.

(4) When the Commission determines by a preponderance of the evidence subsequent to an institutional complaint that both (a) a proposed new program or location would cause detrimental duplication or significant adverse impact on one or more segments and (b) that there is no proven unmet workforce need for the program, and if mediation and negotiation efforts are unsuccessful, the Commission must find in favor of an institution demonstrating that detrimental duplication or significant adverse impact would occur.

Stat. Auth.: ORS 348.603

Stats. Implemented: ORS 348.603

Hist.: ECC 24, f. & ef. 1-19-76; SSC 2-1997(Temp), f. & cert. ef. 8-25-97; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 2-2000, f. 7-7-00, cert. ef. 7-20-00; ODA 4-2000, f. & cert. ef. 11-13-00; ODA 2-2003, f. 10-29-03, cert. ef. 11-1-03; Suspended by ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-040-0010

Definitions

(1) "Commission" means the Oregon Student Assistance Commission.

(2) "Office" means the Office of Degree Authorization, a statutory unit of the Commission, through which all new postsecondary program and location proposals are reviewed.

(3) "Program" means any organized teaching and learning activity with open enrollment of which successful completion qualifies a student for a degree, a certificate of substantial academic or vocational learning short of a degree, a certificate of preparation related to new or modified occupational licensure, or another academic or vocational certificate that represents a shorter period of activity but has value as a public credential. An activity is not a "program" if it leads to no document other than proof of attendance, which accordingly does not signify or imply measured or measurable academic or vocational learning and does not signify or imply measured or measurable preparation for new job duties, provided that the activity is advertised solely for intrinsic intellectual or recreational value or is advertised explicitly as continuing education for previously qualified workers seeking review or additional knowledge related to their current occupations.

(4) "New program" means any program not previously approved by the Office or the Commission, or by their predecessor review authorities, regardless of whether it comprises new instructional components or the reassembled components of existing programs. "New program" does not

ADMINISTRATIVE RULES

mean addition of a minor area of optional specialization within an existing program when there is no substantial change in the credential awarded. Reorganization or renaming does not in itself constitute a new program.

(5) "New location" of an approved program means a facility where students collectively may receive instruction in the program face-to-face or through telecommunications in a community not previously so served, including a non-Oregon location within 50 miles of where a comparable program is located in Oregon. "New location" does not mean a medium of statewide or universal transmission through which students separately and privately receive instruction for distance learning.

(6) "Segment" of education refers to one of the following:

(a) Oregon community colleges, community college districts, or service districts, together with every other postsecondary program or location ultimately sponsored by the State Board of Education;

(b) Oregon state-owned institutions of higher education and related organizational units, together with every other postsecondary program or location ultimately sponsored by the State Board of Higher Education;

(c) The Oregon Health and Science University, any hereafter created public corporations for higher education, and any organizational units of such public corporations, together with every postsecondary program or location under their ultimate sponsorship;

(d) Private Oregon degree-granting institutions and organizations and all non-Oregon entities offering residential instruction in Oregon for credit toward full degrees approved by the Office of Degree Authorization, together with every postsecondary program or location they sponsor; and

(e) Private nondegree career schools offering instruction in Oregon and licensed under ORS 345, together with every postsecondary program or location they sponsor.

(7) "Publicly funded" means controlled by an agency of government or by a public corporation as occurs in categories (6)(a) through (6)(c) above, regardless of specific sources and applications of funds, or controlled by a private entity as occurs in categories (6)(d) and (6)(e) above but subsidized with appropriated public funds received directly for program operation rather than indirectly in the form of student financial aid.

(8) "Detrimental duplication" occurs when a proposed new publicly funded program or location is likely to divert enough students from existing similar programs to imperil the viability of existing programs when the number of potential students is limited by factors such as interest, qualifications needed for admission, internship openings for students, and job openings for graduates. Detrimental duplication cannot be shown if the Commission finds that the proposed program or location meets an unmet workforce need in the state.

(9) "Adverse intersegmental impact" means that the detriment of duplication would fall on a school or its students in a segment other than that of the school proposing the new program or location, except that a publicly funded program or location proposed by a private school or other organization has adverse intersegmental impact if it is detrimental to a school in any of the five segments.

(10) "Community not previously so served" means a location in addition to or outside of the geographic regions or specific sites for which the program is approved. Programs operating prior to August 12, 1998 are considered approved for any geographic regions or specific sites included in their original public notice.

(11) "Offered" means at least half of the credit or clock hours necessary to complete the specified program are provided at the location in a two-year period. The credit or clock hour percentage does not include courses that meet general education requirements of pre-existing approved programs at the location.

Stat. Auth.: ORS 348.603

Stats. Implemented: ORS 348.603

Hist.: ECC 24, f. & ef. 1-19-76; ECC 25, f. & ef. 6-8-77; ECC 1-1983, f. & ef. 9-19-83; SSC 2-1997(Temp), f. & cert. ef. 8-25-97; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 2-2000, f. 7-7-00, cert. ef. 7-20-00; ODA 4-2000, f. & cert. ef. 11-13-00; ODA 2-2003, f. 10-29-03, cert. ef. 11-1-03; Suspended by ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-040-0025

Review Procedure

The ultimate governing board of a school or system that may propose or oppose new publicly funded postsecondary programs and locations must ensure conformity to the following procedure:

(1) A proposing board, or its school by delegation, shall notify other potentially affected segments and the Office of its intent to propose a new postsecondary program or location. Each sector of Oregon postsecondary education must designate at least two recipients for this notice. Notice served upon these recipients by letter or e-mail shall meet the notice requirements of these rules for all potentially affected schools in each sector. Notice shall be given at least 16 days before the proposing board

intends to ratify the proposal and in a manner approved by the Office. If an objection is filed, then board ratification shall be postponed until the adverse impact claim has been resolved. Multiple sites, geographic regions or statewide service for a program may be listed in a single notice at the proposing institution's option. Only sites or regions included in this notice shall be considered proposed locations.

(2) In order to exercise rights under this rule, a school or segment concerned that apparent duplication might be detrimental must respond to the proposer and give a response copy to the Office within 15 days of receiving the notice of intent to propose a new program or location.

(3) The proposing school shall contact within 7 days of receiving an objection any responding school that says it may be affected. Within 15 days of being contacted every responder must join the proposer for informal discussion among school officers constituting an effort to resolve all concerns. The parties may jointly invite the Office or any advisory panel to enter the discussion as a resource and mediator. Lacking agreement, the proposer if it so chooses may postpone board ratification up to the time limit set by step 8 below. The proposer must notify ODA and the objector of its intentions.

(4) If agreement is not reached informally, a school that anticipates damage because of the proposer's latest declaration of intent may within 15 days of the meeting required in section 3 submit to the Office and the proposing school a written demur to explain why it anticipates damage and to question where applicable the proposer's projections for enrollment, internships, or job placement of graduates. The Office may advise withdrawal of the responder's demur if it is not found persuasive.

(5) Within 15 days after receiving a demur that is not subsequently withdrawn, the proposing school if it so chooses may respond in writing so as to restate or offer modification of its proposal. A copy of any such communication must be provided to ODA.

(6) If unsatisfied with a proposer's response, the demurring school or schools may within 15 days of receipt continue demurrals by replying in writing to argue for withdrawal or specific modification of the proposal.

(7) If no agreement emerges from the exchange of written ideas, the Office will within 15 days convene the disagreeing schools for a discussion of quality of evidence on all sides and formal negotiations. Staff members of the ultimate governing boards may attend. At any stage of negotiations, the Office may recommend acceptance of the proposal in its latest form or upon request by all parties may assemble a review panel of academic experts having no conflict of interest to assist and advise the parties.

(8) If negotiation at the institutional level fails to produce complete agreement, the proposing school shall either withdraw the proposal or within 60 days of the meeting required in section 7 obtain a decision from its ultimate governing board as to whether the board wishes to go forward with the proposal in some form after acquiring full knowledge of objections by responders. The ultimate governing board shall report its decision immediately to the Office.

(9) If the decision of the proposer's ultimate governing board does not satisfy the ultimate governing board of every demurring school, the Office shall recommend a resolution to the boards. If the boards do not all accept the recommendation, the Commission shall appoint a mediator to mediate between their representatives to seek a negotiated resolution at the board level.

(10) If negotiation between board representatives does not produce agreement within 90 days of the date that the issue was referred to the boards for mediation under Section 9, the Office shall refer the question with accompanying record for decision by the Commission, which may at its discretion arrange to have one or more commissioners hear arguments in review but shall not receive any evidence not already in the record as distributed by the Office to all parties before mediation. The Commission must act within 180 days of the date that the issue is referred to ODA for a recommendation as set forth in section (7) above. The Commission must approve the proposed program if the proposing school proves that it meets an unmet workforce need in the state.

(11) A final program review decision made by the Commission and issued through the Office is an agency order other than contested case, which may therefore be appealed by any engaged board, through petition for review without jury to the Circuit Court for Marion County or to the circuit court in the county where petitioner resides.

(12) Nothing in these rules precludes OSAC through ODA from encouraging and accepting agreements among all potentially affected sectors regarding new programs and locations in situations in which such agreements are a more effective and efficient way to establish and improve post-secondary service to Oregonians than program-by-program notice and response.

Stat. Auth.: ORS 348.603

ADMINISTRATIVE RULES

Stats. Implemented: ORS 348.603
Hist.: ECC 24, f. & ef. 1-19-76; SSC 2-1997(Temp), f. & cert. ef. 8-25-97; ODA 2-1998, f. & cert. ef. 8-12-98; ODA 4-2000, f. & cert. ef. 11-13-00; ODA 2-2003, f. 10-29-03, cert. ef. 11-1-03; ODA 3-2004, f. & cert. ef. 2-13-04; Suspended by ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-050-0006

Purpose and Scope

(1) This rule implements Oregon Revised Statutes (ORS) 348.594 to 348.615 and 348.992 insofar as each section therein relates to ORS 348.609, intended to protect postsecondary institutions, businesses and other employers, professional licensing boards, patients and clients of degree holders, and all citizens from any person claiming to possess a valid academic degree that in fact was issued by a fraudulent or nonexistent school, by a non-educational entity posing as a school, by a nonstandard school without the use of a disclaimer, or by any entity in violation of applicable statutes or administrative rules.

(2) In order to be valid in Oregon as a public credential usable for general academic or professional purposes, under ORS 348.609 a claimed degree must have been awarded by a school that:

(a) Has accreditation recognized by the U.S. Department of Education or has the foreign equivalent of such accreditation; or

(b) Has been approved through the Higher Education Coordinating Commission to offer and confer degrees in Oregon; or

(c) Is located in the United States and has been found by the commission acting through the commission to meet standards of academic quality comparable to those of an institution located in the United States that has accreditation, recognized by the U.S. Department of Education, to offer degrees of the type and level claimed by the person; or

(d) Is an Oregon school that has achieved exemption from state oversight on religious grounds; or

(e) If unaccredited, has the legal authority from a U.S. state or foreign country to issue degrees usable as educational credentials in the jurisdiction of issue.

(3) This rule applies to any claim to possess an academic degree made by any person acting within the state, acting outside the state while domiciled within the state, or acting outside the state on behalf of an organization that is located within the state.

Stat. Auth.: ORS 348.609

Stats. Implemented: ORS 348.603 & 348.609

Hist.: ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01; ODA 3-2003, f. 10-29-03, cert. ef. 11-1-03; ODA 3-2005, f. 9-27-05, cert. ef. 9-30-05; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-050-0011

Definitions of Terms

(1) "Academic Standards" means those standards in 583-030-0035 or the equivalent standards of an accrediting body that relate to admission requirements, length of program, content of curriculum, award of credit and faculty qualifications.

(2) "Accredited" means accredited and approved to offer degrees at the specified level by an agency or association recognized as an accreditor by the U.S. Secretary of Education, under the 1965 Higher Education Act as amended at the time of recognition, or having candidacy status with such an accrediting agency or association whose pre-accreditation is also recognized specifically for HEA purposes by the Secretary of Education.

(3) "Claim a degree" means to present orally, or in writing or in electronic form any symbol or series of letters or words that would lead the listener or reader to believe a degree had been received and is possessed by the person speaking or writing, for purposes related to employment, application for employment, professional advancement, qualification for public office, teaching, offering professional services or any other use as a public credential, whether or not such use results in monetary gain.

(4) "College level work" required for a degree means academic or technical work at a level demonstrably higher than that required in the final year of high school and demonstrably higher than work required for degrees at a lower level than the degree in question. From lowest to highest, degree levels are associate, bachelor's, master's and doctoral. Professional degree levels may vary. College level work is characterized by analysis, synthesis and application in which students demonstrate an integration of knowledge, skills and critical thinking. Award of credit for achieving appropriate scores on commission-approved nationally normed college-level examinations such as those from College Level Examination Program, American Council on Education, Advanced Placement or New York Regents meets this standard.

(5) "Commission" means the Higher Education Coordinating Commission.

(6)(a) "Degree" means any earned or honorary title, rank, or status designated by a symbol or by a series of letters or words—such as, but not limited to, associate, bachelor, master, doctor, and forms or abbreviations thereof, that signifies, purports, or may generally be taken to signify:

(A) Completion of a course of instruction at the college or university level;

(B) Demonstration of achievement or proficiency comparable to such completion; or

(C) Recognition for non-academic learning, public service, or other reason of distinction comparable to such completion.

(b) "Degree" does not refer to a certificate or diploma signified by a series of letters or words unlikely to be confused with a degree, clearly intended not to be mistaken for a degree, and represented to the public so as to prevent such confusion or error.

(7) "Confer a degree" means give, grant, award, bestow, or present orally or in writing any symbol or series of letters or words that would lead the recipient to believe it was a degree that had been received.

(8) "Diploma mill" or "degree mill" means an entity that meets any one of the following conditions as defined in ORS 348.594:

(a) A school against which a court or public body, as defined in ORS 174.109, has issued a ruling or finding, after due process procedures, that the school has engaged in dishonest, fraudulent or deceptive practices related to the award of degrees, academic standards or student learning requirements; or

(b) Is an entity without legal authority as a school to issue degrees valid as credentials in the jurisdiction that authorizes issuance of degrees.

(9) "Disclaimer" when appended to a published reference to a degree means the following statement from statute: "(Name of school) does not have accreditation recognized by the United States Department of Education and has not been approved by the Higher Education Coordinating Commission."

(10) "Earned degree" means a degree awarded based on academic work evaluated and accepted by qualified faculty in the context of a specific degree program, based on the Carnegie credit system as set forth in OAR 583-030-0035(5) or an equivalent as determined by the commission's executive director.

(11) "Foreign equivalent of such accreditation" means authorization by a non-U.S. government found by the commission's executive director to have adequate academic standards. This determination may be made through one or more of the following methods at executive director's discretion:

(a) Direct investigation of foreign standards;

(b) Reliance on an evaluation and determination made by the American Association of Collegiate Registrars and Admissions Officers (AACRAO); or

(c) Evaluation of the transferability of courses and degrees earned in the foreign country to accredited Oregon institutions at similar degree levels.

(12) "Honorary Degree" means a credential awarded by an accredited or approved school in recognition of the recipient's personal merits unrelated to academic achievement demonstrated through course work or equivalent work taken at the awarding school.

(13) "Nonstandard School" means a degree provider that has legal authority to issue degrees valid in its authorizing jurisdiction, but which does not meet the requirements to be a standard school.

(14) "School" includes a person, organization, school or institution of learning that confers or offers to confer an academic degree upon a person or to provide academic credit applicable to a degree. The activities attributable to a school include instruction, measurement of achievement or proficiency, or recognition of educational attainment or comparable public distinction.

(15) "Standard School" means a school that meets the requirements of ORS 348.609 for degree use without a disclaimer.

(16) "Valid degree" means a degree issued by a standard school or by a nonstandard school if the disclaimer required by ORS 348.609(2) is used.

[Publications referenced are available from the agency.]

Stat. Auth.: ORS 348.609

Stats. Implemented: ORS 348.603 & 348.609

Hist.: ODA 2-1998, f. & cert. ef. 8-12-98; ODA 3-2000, f. & cert. ef. 8-8-00; ODA 1-2001, f. & cert. ef. 6-27-01; ODA 3-2003, f. 10-29-03, cert. ef. 11-1-03; ODA 2-2005, f. & cert. ef. 3-3-05; ODA 3-2005, f. 9-27-05, cert. ef. 9-30-05; ODA 1-06, f. & cert. ef. 6-23-06; ODA 1-2008, f. & cert. ef. 2-7-08; ODA 3-2010, f. & cert. ef. 11-16-10; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

ADMINISTRATIVE RULES

583-050-0014

Unaccredited Degrees

(1) Users of unaccredited degrees may use the degrees in the following ways.

(a) Unaccredited degrees that have achieved approval under ORS 348.609(1)(d) can be used without a disclaimer.

(b) Unaccredited degrees that have not achieved approval under ORS 348.609(1)(d) can only be used with a disclaimer.

(c) Degrees issued by degree mills are invalid for use, with or without a disclaimer.

(2) Process for approval under ORS 348.609(1)(d). A claimant of an unaccredited U.S. degree may submit to the Higher Education Coordinating Commission information indicating that the school conferring the degree has the legal authority to issue degrees in another state and could reasonably be considered for approval in Oregon under OAR chapter 583, division 30.

(a) A reasonable possibility of approval can be demonstrated by submitting to the commission the appropriate review fee and sufficient evidence that the unaccredited institution could meet the academic standards established in OAR chapter 583, division 30 for authorization to operate in Oregon if it chose to make such an application.

(b) The commission may, upon its own motion, evaluate an unaccredited institution and determine whether it has a reasonable chance to meet Oregon authorization standards without a degree user making such a request.

(c) If a request for evaluation under this section is not made to the commission's executive director within 30 days of notification that an unaccredited degree is being used contrary to Oregon law, the degree user's right to such a review is waived and the commission may pursue appropriate enforcement action. Degree users may, within the first 30 days, request up to 30 additional days for the purpose of gathering material necessary to apply for an evaluation.

(3) A claimant of a non-U.S. degree issued by a degree supplier not accredited by a U.S. accreditor may submit to the commission information proving that the supplier issuing the degree has the following characteristics.

(a) The supplier is operating legally as a degree-granting institution in its host country.

(b) The host country has a postsecondary approval system equivalent to U.S. accreditation in that it applies qualitative measures by a neutral external party recognized in that role by the government.

(c) The supplier has been approved through the demonstrable application of appropriate standards by the host country's accreditor equivalent.

(d) All degrees issued by the supplier are legally valid for use and professional licensure within the host country.

Stat. Auth.: ORS 348.609

Stats. Implemented: ORS 348.609

Hist.: ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01; ODA 3-2003, f. 10-29-03, cert. ef. 11-1-03; ODA 4-2004, f. & cert. ef. 5-14-04; ODA 3-2005, f. 9-27-05, cert. ef. 9-30-05; Renumbered from 583-050-0031, ODA 4-2005, f. & cert. ef. 10-18-05; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-050-0016

Validation of a Secular Degree

(1) Any person claiming in Oregon to possess an academic degree shall, upon request from the Higher Education Coordinating Commission's executive director, have an official transcript of the degree sent directly to the commission from the registrar or other appropriate official of the conferring school.

(2) Where validation of a degree by telephone or electronic means seems readily obtainable from a school, the commission at its discretion may postpone with option of waiver the requirement for a transcript upon receiving from the degree claimant the name, address, and telephone number of the conferring school. Requirement of one or more transcripts may be reinstated at any time if other methods of validation are not sufficient for a conclusive determination.

(3) Upon receipt of evidence of a valid degree, the executive director shall inform the degree claimant that a validation has been entered into the record, which shall specify any title and abbreviation that may be used to claim the degree.

(4) Honorary degrees must be distinguished from earned degrees.

(a) Any person claiming in Oregon to hold an honorary degree must label any written use of the degree using the word "honorary" or the abbreviation "hon." in order to make the public aware that the degree is not an earned credential. Any oral reference to the degree must be accompanied by a reasonable effort to ensure that listeners are made aware that it is honorary.

(b) Any person using an honorary doctorate may not use the title "Doctor" or "Dr." unless the word "honorary" or the abbreviation "hon." accompanies the claim in a clear and visible form, or is stated orally when an honorary doctorate is used as the basis for an oral use of the title.

(c) An honorary degree may not be used as a credential for employment in Oregon.

Stat. Auth.: ORS 348.609

Stats. Implemented: ORS 348.603 & 348.609

Hist.: ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01; ODA 3-2003, f. 10-29-03, cert. ef. 11-1-03; ODA 3-2010, f. & cert. ef. 11-16-10; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-050-0026

Invalidation of a Degree, Warning, Enforcement

(1) A person who may not have known that his or her claimed degree is invalid or nonstandard is given the benefit of the doubt as to intent, so as to reflect consideration for the possibility that the person was misled by the purported school or unaware of Oregon degree requirements.

(2) Failure to provide when requested a transcript or other information needed for validation of a degree is prima facie evidence under statute that the claim to such degree is invalid.

(3) Failure or inability to produce conclusive evidence of a valid degree results in a warning from the Higher Education Coordinating Commission that the claimant must thereafter cease and desist from making the invalidated claim.

(4) Subsequent to such warning and in violation thereof, any renewed claim of an invalid degree exposes the violator to penalties as set forth in statute and under subsection (5) of this rule.

(5) Any violation of ORS 348.603 or 348.609 may result in any or all of the following sanctions:

(a) Prosecution for a Class B misdemeanor under ORS 348.992;

(b) Injunction against further use of the claimed degree;

(c) Civil suit for violation of Oregon's Unlawful Trade Practices Act, ORS 646.605 to 646.652, if applicable; or

(d) A civil penalty not to exceed \$1,000 per violation.

(6) Prior to the imposition of any penalty listed in subsection (5) of this rule, a person whose degree is found invalid, or the use of whose degree may be restricted, is entitled to a hearing in accordance with ORS chapter 183. Hearings will be provided in the following way:

(a) The commission's initial communication with a degree user will be an inquiry letter that will give the user 30 days in which to address any issues regarding degree existence, validity and restriction. No hearing is provided at this stage;

(b) If a degree user contacted by the commission under paragraph (a) of this subsection does not respond within 30 days, or provides information that is insufficient to allow unrestricted degree use while expressing intent to continue using the degree, the commission will issue a cease and desist letter to the user, setting forth the requirements of law and how the user's degree fails to meet those requirements. This letter will also be sent to the user's attorney, if any. The user will be given 30 days to respond, agreeing to either comply with the law or request a hearing to contest the commission's findings:

(i) If the user agrees to comply with the law within 30 days, the commission will provide the user with a standard form upon which such agreement can be stated and signed. No penalty will be imposed provided that the user carries out the agreement;

(ii) If the user does not respond within 30 days, the commission will proceed with a default hearing and may request the assessment of civil penalties;

(iii) If the user requests a hearing within 21 days, the hearing will be conducted by an Administrative Law Judge as provided in ORS 183.335.

(c) If a hearing is held, the Administrative Law Judge will recommend a resolution to the Commission, which will decide whether the degree user meets Oregon standards, and if it does not, whether to impose a penalty and what the penalty should be.

Stat. Auth.: ORS 348.609

Stats. Implemented: ORS 348.603, 348.609 & 348.992

Hist.: ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2001, f. & cert. ef. 6-27-01; ODA 2-2002, f. & cert. ef. 10-10-02; ODA 3-2005, f. 9-27-05, cert. ef. 9-30-05; ODA 2-2006, f. & cert. ef. 11-1-06; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-050-0027

Disciplinary Action; Civil Penalty Considerations

(1) The Higher Education Coordinating Commission may assess a civil penalty for each violation of a provision of OAR chapter 583, division 50.

(2) In establishing the amount of the penalty for each violation, the commission shall consider, but not be limited to the following factors:

ADMINISTRATIVE RULES

- (a) The gravity and magnitude of the violation;
- (b) The person's previous record of compliance with the provisions of ORS 348.594 to 348.615 or with the rules adopted thereunder;
- (c) The person's history in taking all feasible steps or in following all procedures necessary or appropriate to correct the violation; and
- (d) Such other considerations as the commission may consider appropriate.

(3) An "incident" for purposes of the penalty schedule means a single use of the invalid degree, or each use of an unaccredited degree without a disclaimer, in a specific venue in a specific time period.

(a) Examples of specific venues include but are not limited to publications, job applications, web sites, spoken presentations, mailings, e-mails, flyers, posters, advertisements, and handouts.

(b) Examples of specific time periods include one-time uses and serial uses, e.g., monthly advertisements, annual publications such as college catalogs and the like. In the case of continued usage during a period of employment, each regular pay period (e.g. one month) in which the degree is used is considered a specific time period and therefore a separate incident.

(4) The commission may impose a civil penalty, provided that it first gives the person an opportunity for a hearing as outlined in ORS Chapter 183.

Stat. Auth.: ORS 348.609
Stats. Implemented: ORS 348.609
Hist.: ODA 2-2002, f. & cert. ef. 10-10-02; ODA 3-2005, f. 9-27-05, cert. ef. 9-30-05; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-050-0028 Schedule of Civil Penalties for Violations of Laws and Rules

In assessing civil penalties, the Higher Education Coordinating Commission desires to be both consistent and equitable and to consider and evaluate each case on an individual basis. The actual civil penalty which the commission imposes shall be based on the commission's consideration of the factors in OAR 583-050-0027. The commission shall impose a penalty per incident based on only one of the degree use activities listed below, i.e. a single incident cannot result in a penalty from more than one category. Civil penalties shall be imposed according to the following schedule for use after warning by the commission of a violation:

(1) When such use is related to a position in any employment sector, paid or unpaid, involving public health or safety for which a degree of the type found invalid is required for employment or licensure: \$1000 per incident.

(2) When such use is intended to induce or encourage payment of money by students, clients, customers or others for whom the degree may serve as an attractant or legitimizer related to a service provided in the business or not-for-profit sector: \$1000 per incident.

(3) When such use is in public employment not related to public health or safety for which a valid degree of the type claimed is required or is necessary based on the conditions of employment: \$500 per incident.

(4) By a teacher at any level, including K-12 and postsecondary education: \$500 per incident.

(5) When such use is likely to deceive the public as to the user's qualifications but no money is sought or received by the user as a consequence in whole or in part of the use: \$300 per incident.

(6) When in violation of any other provision of OAR 583, division 50: \$300 per incident.

(7) Repeated violations of any kind may result in a penalty of \$1,000 for each repetition occurring after a penalty is imposed by the Commission or an injunction against the usage is issued by a court.

Stat. Auth.: ORS 348.609
Stats. Implemented: ORS 348.609
Hist.: ODA 2-2002, f. & cert. ef. 10-10-02; ODA 3-2005, f. 9-27-05, cert. ef. 9-30-05; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-050-0036 Inquiries and Complaints

(1) Monitoring and validating degree claims will be done by the Higher Education Coordinating Commission in the course of routine activities such as approving faculty members of schools seeking authorization to offer degrees in Oregon, advising employers or professional licensing boards on applicant credentials, examining backgrounds listed by candidates for public election, and reviewing telephone directories or other publications for advertisements that list degrees.

(2) Any citizen as a matter of general information may ask the commission to discuss whether a degree encountered sounds questionable, and any citizen as a matter of public protection may ask the commission to validate a degree claimed by an identified individual. It is entirely optional for

an inquirer unsure about a degree to make a formal complaint, because an inquiry alone does not imply that the inquiring citizen has accused the degree claimant of any deception.

Stat. Auth.: ORS 348.609
Stats. Implemented: ORS 348.603 & 348.609
Hist.: ODA 2-1998, f. & cert. ef. 8-12-98; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-050-0040 Fees for Validation Services

(1) ODA charges a fee for some services provided under OAR chapter 583, division 50. The fee schedule is as follows: [Table not included. See ED. NOTE.]

(a) Agencies or organizations that have contracted for basic degree validation services with the Higher Education Coordinating Commission do not pay a per-request fee. Contract rates are as follows: [Table not included. See ED. NOTE.]

(b) Fees for all inquiries, including contracted rates, must be paid in advance by bank check, money order or interagency fund transfer to: State of Oregon - Higher Education Coordinating Commission (use current address).

(2) The commission may require reimbursement of costs for other requests at the discretion of the agency, depending on the nature of the request and available staff resources. Such fees may not exceed the actual cost to the agency to provide the service, based on staff rates and related costs.

(3) The commission's executive director may waive validation and evaluation fees:

(a) If the request for information is for purposes of criminal investigation; or

(b) If the consumer protection benefits of ODA action warrant a waiver, provided that sufficient staff time is available.

[ED. NOTE: Tables referenced are available from the agency.]
Stat. Auth.: ORS 348.609
Stats. Implemented: ORS 348.603 & 348.609
Hist.: ODA 3-2003, f. 10-29-03, cert. ef. 11-1-03; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-070-0002 Purpose and Scope

This rule implements ORS 348.603 in establishing standards and procedures for the evaluation and approval of postsecondary accrediting bodies seeking to operate in or from Oregon.

Stat. Auth.: ORS 348.603
Stats. Implemented: ORS 348.603
Hist.: ODA 2-2008, f. & cert. ef. 4-14-08; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-070-0011 Definitions of Terms

(1) "Academic standards" are those standards related to faculty qualifications, admissions, acceptance of transfer credits, quantity of student work and program length and quality established in OAR 583-030-0035.

(2) "Accreditor" means an entity that purports to accredit postsecondary institutions or programs.

(3) "Commission" means the Higher Education Coordinating Commission.

(4) "Executive Director" means the executive director of the Higher Education Coordinating Commission, or the executive director's designee.

(5) "Federally recognized accreditor" means a U.S. accreditor formally recognized by the U.S. Department of Education.

(6) "Operate in Oregon" means to use an Oregon address, telephone number, fax number, or other contact point or mechanism located in Oregon on any document available to the public, do business in Oregon related to the accreditation of post-secondary institutions, or to accredit schools located in or operating from Oregon.

Stat. Auth.: ORS 348.603
Stats. Implemented: ORS 348.603
Hist.: ODA 2-2008, f. & cert. ef. 4-14-08; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-070-0015 Authorization of Accreditors

(1) All federally recognized accreditors are authorized to operate in or from Oregon without commission oversight.

(2) Any accreditors that are not federally recognized but are recognized by the Council for Higher Education Accreditation (CHEA), a national organization that performs recognition of regional, faith-related, career-related, and programmatic accrediting organizations, are authorized to operate in or from Oregon with commission oversight.

ADMINISTRATIVE RULES

(a) The oversight requirement for a CHEA recognized accreditor already operating in Oregon on or before April 14, 2008, becomes effective when an Oregon school or program accredited by that CHEA recognized accreditor begins the process of renewing such accreditation.

(b) A CHEA recognized accreditor having no office or contact points in Oregon as defined in 583-070-0000, and which accredits programs at institutions that have separate institutional accreditation by a federally recognized accreditor, does not require commission approval to accredit programs located at Oregon schools.

(3) Any other accreditor lacking federal recognition, except for religious accreditors exempt under ORS 348.603, requires approval from the commission to operate in or from Oregon.

(4) No other accreditor except for accreditors of religious schools meeting the requirements of ORS 348.603 may operate in or from Oregon without approval in advance from the commission.

Stat. Auth.: ORS 348.603 & 348.604

Stats. Implemented: ORS 348.603 & 348.604

Hist.: ODA 2-2008, f. & cert. ef. 4-14-08; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

583-070-0020

Approval Process for Accreditors

(1) Any accreditor applying for approval will be approved by the commission if the commission finds that the accreditor has adequate academic standards comparable to ODA standards. Standards used by an accreditor need not be identical to state standards but must be adequate to ensure academic quality at a level comparable to that required by the state.

(2) Any accreditor seeking commission approval must submit a request for approval to the commission. The accreditor's request must be accompanied by the following:

(a) A copy of the accreditor's academic standards;

(b) A description of how the accreditor evaluates institutional effectiveness, demonstrating a commitment to rational standards;

(c) The accreditor's standards for faculty and administrative qualifications, showing that it requires accredited or demonstrably equivalent degrees, and information on how such standards are enforced;

(d) The accreditor's standards for adequate institutional finances, demonstrating that it ensures appropriate management of funds and disallows charging students on any basis other than a per-term basis;

(e) Names and professional qualifications of all persons employed by the accreditor and any persons serving on its board of directors, demonstrating that such people have backgrounds and qualifications comparable to those serving in similar roles at a federally-recognized accreditor; and

(d) Names and professional qualifications of all people who have served on evaluation teams in the previous year and those who are scheduled to serve in the next year, if known, in order to show that only people with appropriate accredited degrees and professional qualifications are chosen for such teams.

(3) The executive director must evaluate the accreditor and make a recommendation to the commission within 60 days of receiving the application.

(a) If the commission objects to approval of an accreditor on grounds that the accreditor has inadequate academic standards, the accreditor may contest the commission's decision under either ORS 183.435 or 183.484.

(b) The commission shall determine whether an accreditor is permitted to operate in Oregon only after the accreditor has had, if necessary, an opportunity to exercise its rights under this rule.

Stat. Auth.: ORS 348.603

Stats. Implemented: ORS 348.603

Hist.: ODA 2-2008, f. & cert. ef. 4-14-08; ODA 1-2014(Temp), f. & cert. ef. 7-16-14 thru 1-12-15

Land Conservation and Development Department Chapter 660

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

Adm. Order No.: LCDD 1-2014

Filed with Sec. of State: 8-15-2014

Certified to be Effective: 8-15-14

Notice Publication Date: 7-1-2014

Rules Amended: 660-012-0005, 660-012-0015, 660-012-0016, 660-012-0020, 660-012-0025, 660-012-0030, 660-012-0035, 660-012-0045, 660-012-0055

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

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

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

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

Rules Coordinator: Casaria Taylor—(503) 373-0050, ext. 322

660-012-0005

Definitions

(1) "Access Management" means measures regulating access to streets, roads and highways from public roads and private driveways. Measures may include but are not limited to restrictions on the siting of interchanges, restrictions on the type and amount of access to roadways, and use of physical controls, such as signals and channelization including raised medians, to reduce impacts of approach road traffic on the main facility.

(2) "Accessway" means a walkway that provides pedestrian and or bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees and lighting. Where accessways cross driveways, they are generally raised, paved or marked in a manner which provides convenient access for pedestrians.

(3) "Affected Local Government" means a city, county or metropolitan service district that is directly impacted by a proposed transportation facility or improvement.

(4) "Approach Road" means a legally constructed, public or private connection that provides vehicular access either to or from or to and from a highway and an adjoining property.

(5) "At or near a major transit stop: "At" means a parcel or ownership which is adjacent to or includes a major transit stop generally including portions of such parcels or ownerships that are within 200 feet of a transit stop. "Near" generally means a parcel or ownership that is within 300 feet of a major transit stop. The term "generally" is intended to allow local governments through their plans and ordinances to adopt more specific definitions of these terms considering local needs and circumstances consistent with the overall objective and requirement to provide convenient pedestrian access to transit.

(6) "Committed Transportation Facilities" means those proposed transportation facilities and improvements which are consistent with the acknowledged comprehensive plan and have approved funding for construction in a public facilities plan or the Six-Year Highway or Transportation Improvement Program.

(7) "Demand Management" means actions which are designed to change travel behavior in order to improve performance of transportation facilities and to reduce need for additional road capacity. Methods may include, but are not limited to, the use of alternative modes, ride-sharing and vanpool programs, trip-reduction ordinances, shifting to off-peak periods, and reduced or paid parking.

(8) "Influence area of an interchange" means the area 1,320 feet from an interchange ramp terminal measured on the crossroad away from the mainline.

(9) "Local streets" means streets that are functionally classified as local streets to serve primarily local access to property and circulation within neighborhoods or specific areas. Local streets do not include streets functionally classified as collector or arterials.

(10) "Local Street Standards" include but are not limited to standards for right-of-way, pavement width, travel lanes, parking lanes, curb turning radius, and accessways.

(11) "Major" means, in general, those facilities or developments which, considering the size of the urban or rural area and the range of size, capacity or service level of similar facilities or developments in the area, are either larger than average, serve more than neighborhood needs or have

ADMINISTRATIVE RULES

significant land use or traffic impacts on more than the immediate neighborhood:

(a) "Major" as it modifies transit corridors, stops, transfer stations and new transportation facilities means those facilities which are most important to the functioning of the system or which provide a high level, volume or frequency of service;

(b) "Major" as it modifies industrial, institutional and retail development means such developments which are larger than average, serve more than neighborhood needs or which have traffic impacts on more than the immediate neighborhood;

(c) Application of the term "major" will vary from area to area depending upon the scale of transportation improvements, transit facilities and development which occur in the area. A facility considered to be major in a smaller or less densely developed area may, because of the relative significance and impact of the facility or development, not be considered a major facility in a larger or more densely developed area with larger or more intense development or facilities.

(12) "Major transit stop" means:

(a) Existing and planned light rail stations and transit transfer stations, except for temporary facilities; Other planned stops designated as major transit stops in a transportation system plan and existing stops which:

(A) Have or are planned for an above average frequency of scheduled, fixed-route service when compared to region wide service. In urban areas of 1,000,000 or more population major transit stops are generally located along routes that have or are planned for 20 minute service during the peak hour; and

(B) Are located in a transit oriented development or within 1/4 mile of an area planned and zoned for:

(i) Medium or high density residential development; or

(ii) Intensive commercial or institutional uses within 1/4 mile of subsection (i); or

(iii) Uses likely to generate a relatively high level of transit ridership.

(13) "Metropolitan area" means the local governments that are responsible for adopting local or regional transportation system plans within a metropolitan planning organization (MPO) boundary. This includes cities, counties, and, in the Portland Metropolitan area, Metro.

(14) "Metropolitan Planning Organization (MPO)" means an organization located within the State of Oregon and designated by the Governor to coordinate transportation planning in an urbanized area of the state including such designations made subsequent to the adoption of this rule. The Longview-Kelso-Rainier and Walla Walla Valley MPOs are not considered MPOs for the purposes of this division.

(15) "Minor transportation improvements" include, but are not limited to, signalization, addition of turn lanes or merge/deceleration lanes on arterial or collector streets, provision of local streets, transportation system management measures, modification of existing interchange facilities within public right of way and design modifications located within an approved corridor. Minor transportation improvements may or may not be listed as planned projects in a TSP where the improvement is otherwise consistent with the TSP. Minor transportation improvements do not include new interchanges; new approach roads within the influence area of an interchange; new intersections on limited access roadways, highways or expressways; new collector or arterial streets, road realignments or addition of travel lanes.

(16) "ODOT" means the Oregon Department of Transportation.

(17) "Parking Spaces" means on and off street spaces designated for automobile parking in areas planned for industrial, commercial, institutional or public uses. The following are not considered parking spaces for the purposes of OAR 660-012-0045(5)(c): park and ride lots, handicapped parking, and parking spaces for carpools and vanpools.

(18) "Pedestrian connection" means a continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian connections include but are not limited to sidewalks, walkways, accessways, stairways and pedestrian bridges. On developed parcels, pedestrian connections are generally hard surfaced. In parks and natural areas, pedestrian connections may be soft-surfaced pathways. On undeveloped parcels and parcels intended for redevelopment, pedestrian connections may also include rights of way or easements for future pedestrian improvements.

(19) "Pedestrian district" means a comprehensive plan designation or implementing land use regulations, such as an overlay zone, that establish requirements to provide a safe and convenient pedestrian environment in an area planned for a mix of uses likely to support a relatively high level of pedestrian activity. Such areas include but are not limited to:

(a) Lands planned for a mix of commercial or institutional uses near lands planned for medium to high density housing; or

(b) Areas with a concentration of employment and retail activity; and

(c) Which have or could develop a network of streets and accessways which provide convenient pedestrian circulation.

(20) "Pedestrian plaza" means a small semi-enclosed area usually adjoining a sidewalk or a transit stop which provides a place for pedestrians to sit, stand or rest. They are usually paved with concrete, pavers, bricks or similar material and include seating, pedestrian scale lighting and similar pedestrian improvements. Low walls or planters and landscaping are usually provided to create a semi-enclosed space and to buffer and separate the plaza from adjoining parking lots and vehicle maneuvering areas. Plazas are generally located at a transit stop, building entrance or an intersection and connect directly to adjacent sidewalks, walkways, transit stops and buildings. A plaza including 150-250 square feet would be considered "small."

(21) "Pedestrian scale" means site and building design elements that are dimensionally less than those intended to accommodate automobile traffic, flow and buffering. Examples include ornamental lighting of limited height; bricks, pavers or other modules of paving with small dimensions; a variety of planting and landscaping materials; arcades or awnings that reduce the height of walls; and signage and signpost details that can only be perceived from a short distance.

(22) "Planning Period" means the twenty-year period beginning with the date of adoption of a TSP to meet the requirements of this rule.

(23) "Preliminary Design" means an engineering design which specifies in detail the location and alignment of a planned transportation facility or improvement.

(24) "Reasonably direct" means either a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

(25) "Refinement Plan" means an amendment to the transportation system plan, which resolves, at a systems level, determinations on function, mode or general location which were deferred during transportation system planning because detailed information needed to make those determinations could not reasonably be obtained during that process.

(26) "Regional Transportation Plan" or "RTP" means the long-range transportation plan prepared and adopted by a metropolitan planning organization for a metropolitan area as provided for in federal law.

(27) "Roads" means streets, roads and highways.

(28) "Rural community" means areas defined as resort communities and rural communities in accordance with OAR 660-022-0010(6) and (7). For the purposes of this division, the area need only meet the definitions contained in the Unincorporated Communities Rule although the area may not have been designated as an unincorporated community in accordance with OAR 660-022-0020.

(29) "Transit-Oriented Development (TOD)" means a mix of residential, retail and office uses and a supporting network of roads, bicycle and pedestrian ways focused on a major transit stop designed to support a high level of transit use. The key features of transit oriented development include:

(a) A mixed-use center at the transit stop, oriented principally to transit riders and pedestrian and bicycle travel from the surrounding area;

(b) High density of residential development proximate to the transit stop sufficient to support transit operation and neighborhood commercial uses within the TOD;

(c) A network of roads, and bicycle and pedestrian paths to support high levels of pedestrian access within the TOD and high levels of transit use.

(30) "Transportation Facilities" means any physical facility that moves or assist in the movement of people or goods including facilities identified in OAR 660-012-0020 but excluding electricity, sewage and water systems.

(31) "Transportation System Management Measures" means techniques for increasing the efficiency, safety, capacity or level of service of a transportation facility without increasing its size. Examples include, but are not limited to, traffic signal improvements, traffic control devices including installing medians and parking removal, channelization, access management, ramp metering, and restriping of high occupancy vehicle (HOV) lanes.

(32) "Transportation Needs" means estimates of the movement of people and goods consistent with acknowledged comprehensive plan and the requirements of this rule. Needs are typically based on projections of future travel demand resulting from a continuation of current trends as modified by policy objectives, including those expressed in Goal 12 and

ADMINISTRATIVE RULES

this rule, especially those for avoiding principal reliance on any one mode of transportation.

(33) "Transportation Needs, Local" means needs for movement of people and goods within communities and portions of counties and the need to provide access to local destinations.

(34) "Transportation Needs, Regional" means needs for movement of people and goods between and through communities and accessibility to regional destinations within a metropolitan area, county or associated group of counties.

(35) "Transportation Needs, State" means needs for movement of people and goods between and through regions of the state and between the state and other states.

(36) "Transportation Project Development" means implementing the transportation system plan (TSP) by determining the precise location, alignment, and preliminary design of improvements included in the TSP based on site-specific engineering and environmental studies.

(37) "Transportation Service" means a service for moving people and goods, such as intercity bus service and passenger rail service.

(38) "Transportation System Plan (TSP)" means a plan for one or more transportation facilities that are planned, developed, operated and maintained in a coordinated manner to supply continuity of movement between modes, and within and between geographic and jurisdictional areas.

(39) "Urban Area" means lands within an urban growth boundary, two or more contiguous urban growth boundaries, and urban unincorporated communities as defined by OAR 660-022-0010(9). For the purposes of this division, the area need only meet the definition contained in the Unincorporated Communities Rule although the area may not have been designated as an unincorporated community in accordance with 660-022-0020.

(40) "Urban Fringe" means:

(a) Areas outside the urban growth boundary that are within 5 miles of the urban growth boundary of an MPO area; and

(b) Areas outside the urban growth boundary within 2 miles of the urban growth boundary of an urban area containing a population greater than 25,000.

(41) Vehicle Miles of Travel (VMT): means automobile vehicle miles of travel. Automobiles, for purposes of this definition, include automobiles, light trucks, and other similar vehicles used for movement of people. The definition does not include buses, heavy trucks and trips that involve commercial movement of goods. VMT includes trips with an origin and a destination within the MPO boundary and excludes pass through trips (i.e., trips with a beginning and end point outside of the MPO) and external trips (i.e., trips with a beginning or end point outside of the MPO boundary). VMT is estimated prospectively through the use of metropolitan area transportation models.

(42) "Walkway" means a hard surfaced area intended and suitable for use by pedestrians, including sidewalks and surfaced portions of accessways.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 195.012, 197.040, 197.712, 197.717 & 197.732

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDC 3-1995, f. & cert. ef. 3-31-95; LCDC 4-1995, f. & cert. ef. 5-8-95; LCDD 6-1998, f. & cert. ef. 10-30-98; LCDD 3-2005, f. & cert. ef. 4-11-05; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06; LCDD 11-2011, f. 12-30-11, cert. ef. 1-1-12; LCDD 1-2014, f. & cert. ef. 8-15-14

660-012-0015

Preparation and Coordination of Transportation System Plans

(1) ODOT shall prepare, adopt and amend a state TSP in accordance with ORS 184.618, its program for state agency coordination certified under ORS 197.180, and OAR 660-012-0030, 660-012-0035, 660-012-0050, 660-012-0065 and 660-012-0070. The state TSP shall identify a system of transportation facilities and services adequate to meet identified state transportation needs:

(a) The state TSP shall include the state transportation policy plan, modal systems plans and transportation facility plans as set forth in OAR chapter 731, division 15;

(b) State transportation project plans shall be compatible with acknowledged comprehensive plans as provided for in OAR chapter 731, division 15. Disagreements between ODOT and affected local governments shall be resolved in the manner established in that division.

(2) MPOs and counties shall prepare and amend regional TSPs in compliance with this division. MPOs shall prepare regional TSPs for facilities of regional significance within their jurisdiction. Counties shall prepare regional TSPs for all other areas and facilities:

(a) Regional TSPs shall establish a system of transportation facilities and services adequate to meet identified regional transportation needs and shall be consistent with adopted elements of the state TSP;

(b) Where elements of the state TSP have not been adopted, the MPO or county shall coordinate the preparation of the regional TSP with ODOT to assure that state transportation needs are accommodated;

(c) Regional TSPs prepared by MPOs other than metropolitan service districts shall be adopted by the counties and cities within the jurisdiction of the MPO. Metropolitan service districts shall adopt a regional TSP for areas within their jurisdiction;

(d) Regional TSPs prepared by counties shall be adopted by the county.

(3) Cities and counties shall prepare, adopt and amend local TSPs for lands within their planning jurisdiction in compliance with this division:

(a) Local TSPs shall establish a system of transportation facilities and services adequate to meet identified local transportation needs and shall be consistent with regional TSPs and adopted elements of the state TSP;

(b) Where the regional TSP or elements of the state TSP have not been adopted, the city or county shall coordinate the preparation of the local TSP with the regional transportation planning body and ODOT to assure that regional and state transportation needs are accommodated.

(4) Cities and counties shall adopt regional and local TSPs required by this division as part of their comprehensive plans. Transportation financing programs required by OAR 660-012-0040 may be adopted as a supporting document to the comprehensive plan.

(5) The preparation of TSPs shall be coordinated with affected state and federal agencies, local governments, special districts, and private providers of transportation services.

(6) Mass transit, transportation, airport and port districts shall participate in the development of TSPs for those transportation facilities and services they provide. These districts shall prepare and adopt plans for transportation facilities and services they provide. Such plans shall be consistent with and adequate to carry out relevant portions of applicable regional and local TSPs. Cooperative agreements executed under ORS 197.185(2) shall include the requirement that mass transit, transportation, airport and port districts adopt a plan consistent with the requirements of this section.

(7) Where conflicts are identified between proposed regional TSPs and acknowledged comprehensive plans, representatives of affected local governments shall meet to discuss means to resolve the conflicts. These may include:

(a) Changing the draft TSP to eliminate the conflicts; or

(b) Amending acknowledged comprehensive plan provision to eliminate the conflicts;

(c) For MPOs which are not metropolitan service districts, if conflicts persist between regional TSPs and acknowledged comprehensive plans after efforts to achieve compatibility, an affected local government may petition the Commission to resolve the dispute.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 184.618, 195.025, 197.040, 197.180, 197.230, 197.245, 197.712 & 197.717

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDD 1-2014, f. & cert. ef. 8-15-14

660-012-0016

Coordination with Federally-Required Regional Transportation Plans in Metropolitan Areas

(1) In metropolitan areas, local governments shall prepare, adopt, amend and update transportation system plans required by this division in coordination with regional transportation plans (RTPs) prepared by MPOs required by federal law. Insofar as possible, regional transportation system plans for metropolitan areas shall be accomplished through a single coordinated process that complies with the applicable requirements of federal law and this division. Nothing in this rule is intended to make adoption or amendment of a regional transportation plan by a metropolitan planning organization a land use decision under Oregon law.

(2) When an MPO adopts or amends a regional transportation plan that relates to compliance with this division, the affected local governments shall review the adopted plan or amendment and either:

(a) Make a finding that the proposed regional transportation plan amendment or update is consistent with the applicable provisions of adopted regional and local transportation system plan and comprehensive plan and compliant with applicable provisions of this division; or

(b) Adopt amendments to the relevant regional or local transportation system plan that make the regional transportation plan and the applicable transportation system plans consistent with one another and compliant with applicable provisions of this division. Necessary plan amendments or

ADMINISTRATIVE RULES

updates shall be prepared and adopted in coordination with the federally-required plan update or amendment. Such amendments shall be initiated no later than 30 days from the adoption of the RTP amendment or update and shall be adopted no later than one year from the adoption of the RTP amendment or update or according to a work plan approved by the commission. A plan amendment is "initiated" for purposes of this subsection where the affected local government files a post-acknowledgement plan amendment notice with the department as provided in OAR chapter 660, division 18.

(c) In the Portland Metropolitan area, compliance with this section shall be accomplished by Metro through adoption of required findings or an amendment to the regional transportation system plan.

(3) Adoption or amendment of a regional transportation plan relates to compliance with this division for purposes of section (2) if it does one or more of the following:

(a) Changes plan policies;

(b) Adds or deletes a project from the list of planned transportation facilities, services or improvements or from the financially-constrained project list required by federal law;

(c) Modifies the general location of a planned transportation facility or improvement;

(d) Changes the functional classification of a transportation facility;

or
(e) Changes the planning period or adopts or modifies the population or employment forecast or allocation upon which the plan is based.

(4) The following amendments to a regional transportation plan do not relate to compliance with this division for purposes of section (2):

(a) Adoption of an air quality conformity determination;

(b) Changes to a federal revenue projection;

(c) Changes to estimated cost of a planned transportation project; or

(d) Deletion of a project from the list of planned projects where the project has been constructed or completed.

(5) Adoption or amendment of a regional transportation plan that extends the planning period beyond that specified in the applicable acknowledged comprehensive plan or regional transportation system plan is consistent with the requirements of this rule where the following conditions are met:

(a) The future year population forecast is consistent with those issued or adopted under ORS 195.033 or 195.036;

(b) Land needed to accommodate future urban density population and employment and other urban uses is identified in a manner consistent with Goal 14 and relevant rules;

(c) Urban density population and employment are allocated to designated centers and other identified areas to provide for implementation of the metropolitan area's integrated land use and transportation plan or strategy; and

(d) Urban density population and employment or other urban uses are allocated to areas outside of an acknowledged urban growth boundary only where:

(A) The allocation is done in conjunction with consideration by local governments of possible urban growth boundary amendments consistent with Goal 14 and relevant rules, and

(B) The RTP clearly identifies the proposed UGB amendments and any related projects as illustrative and subject to further review and approval by the affected local governments.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 195.012, 197.040, 197.712, 197.717, 197.732

Hist.: LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06; LCDD 1-2014, f. & cert. ef. 8-15-14

660-012-0020

Elements of Transportation System Plans

(1) A TSP shall establish a coordinated network of transportation facilities adequate to serve state, regional and local transportation needs.

(2) The TSP shall include the following elements:

(a) A determination of transportation needs as provided in OAR 660-012-0030;

(b) A road plan for a system of arterials and collectors and standards for the layout of local streets and other important non-collector street connections. Functional classifications of roads in regional and local TSP's shall be consistent with functional classifications of roads in state and regional TSP's and shall provide for continuity between adjacent jurisdictions. The standards for the layout of local streets shall provide for safe and convenient bike and pedestrian circulation necessary to carry out OAR 660-012-0045(3)(b). New connections to arterials and state highways shall be consistent with designated access management categories. The intent of this requirement is to provide guidance on the spacing of future extensions and

connections along existing and future streets which are needed to provide reasonably direct routes for bicycle and pedestrian travel. The standards for the layout of local streets shall address:

(A) Extensions of existing streets;

(B) Connections to existing or planned streets, including arterials and collectors; and

(C) Connections to neighborhood destinations.

(c) A public transportation plan which:

(A) Describes public transportation services for the transportation disadvantaged and identifies service inadequacies;

(B) Describes intercity bus and passenger rail service and identifies the location of terminals;

(C) For areas within an urban growth boundary which have public transit service, identifies existing and planned transit trunk routes, exclusive transit ways, terminals and major transfer stations, major transit stops, and park-and-ride stations. Designation of stop or station locations may allow for minor adjustments in the location of stops to provide for efficient transit or traffic operation or to provide convenient pedestrian access to adjacent or nearby uses.

(D) For areas within an urban area containing a population greater than 25,000 persons, not currently served by transit, evaluates the feasibility of developing a public transit system at buildout. Where a transit system is determined to be feasible, the plan shall meet the requirements of paragraph (2)(c)(C) of this rule.

(d) A bicycle and pedestrian plan for a network of bicycle and pedestrian routes throughout the planning area. The network and list of facility improvements shall be consistent with the requirements of ORS 366.514;

(e) An air, rail, water and pipeline transportation plan which identifies where public use airports, mainline and branchline railroads and railroad facilities, port facilities, and major regional pipelines and terminals are located or planned within the planning area. For airports, the planning area shall include all areas within airport imaginary surfaces and other areas covered by state or federal regulations;

(f) For areas within an urban area containing a population greater than 25,000 persons a plan for transportation system management and demand management;

(g) A parking plan in MPO areas as provided in OAR 660-012-0045(5)(c);

(h) Policies and land use regulations for implementing the TSP as provided in OAR 660-012-0045;

(i) For areas within an urban growth boundary containing a population greater than 2500 persons, a transportation financing program as provided in OAR 660-012-0040.

(3) Each element identified in subsections (2)(b)-(d) of this rule shall contain:

(a) An inventory and general assessment of existing and committed transportation facilities and services by function, type, capacity and condition:

(A) The transportation capacity analysis shall include information on:

(i) The capacities of existing and committed facilities;

(ii) The degree to which those capacities have been reached or surpassed on existing facilities; and

(iii) The assumptions upon which these capacities are based.

(B) For state and regional facilities, the transportation capacity analysis shall be consistent with standards of facility performance considered acceptable by the affected state or regional transportation agency;

(C) The transportation facility condition analysis shall describe the general physical and operational condition of each transportation facility (e.g., very good, good, fair, poor, very poor).

(b) A system of planned transportation facilities, services and major improvements. The system shall include a description of the type or functional classification of planned facilities and services and their planned capacities and performance standards;

(c) A description of the location of planned facilities, services and major improvements, establishing the general corridor within which the facilities, services or improvements may be sited. This shall include a map showing the general location of proposed transportation improvements, a description of facility parameters such as minimum and maximum road right of way width and the number and size of lanes, and any other additional description that is appropriate;

(d) Identification of the provider of each transportation facility or service.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 195.012, 197.040, 197.712, 197.717, 197.732

Hist.: LCDD 1-1991, f. & cert. ef. 5-8-91; LCDD 4-1995, f. & cert. ef. 5-8-95; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06; LCDD 1-2014, f. & cert. ef. 8-15-14

ADMINISTRATIVE RULES

660-012-0025

Complying with the Goals in Preparing Transportation System Plans; Refinement Plans

(1) Except as provided in section (3) of this rule, adoption of a TSP shall constitute the land use decision regarding the need for transportation facilities, services and major improvements and their function, mode, and general location.

(2) Findings of compliance with applicable statewide planning goals and acknowledged comprehensive plan policies and land use regulations shall be developed in conjunction with the adoption of the TSP.

(3) A local government or MPO may defer decisions regarding function, general location and mode of a refinement plan if findings are adopted that:

(a) Identify the transportation need for which decisions regarding function, general location or mode are being deferred;

(b) Demonstrate why information required to make final determinations regarding function, general location, or mode cannot reasonably be made available within the time allowed for preparation of the TSP;

(c) Explain how deferral does not invalidate the assumptions upon which the TSP is based or preclude implementation of the remainder of the TSP;

(d) Describe the nature of the findings which will be needed to resolve issues deferred to a refinement plan; and

(e) Set a deadline for adoption of a refinement plan prior to initiation of the periodic review following adoption of the TSP.

(4) Where a Corridor Environmental Impact Statement (EIS) is prepared pursuant to the requirements of the National Environmental Policy Act of 1969, the development of the refinement plan shall be coordinated with the preparation of the Corridor EIS. The refinement plan shall be adopted prior to the issuance of the Final EIS.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 195.025, 197.040, 197.230, 197.245, 197.712, 197.717

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06; LCDD 1-2014, f. & cert. ef. 8-15-14

660-012-0030

Determination of Transportation Needs

(1) The TSP shall identify transportation needs relevant to the planning area and the scale of the transportation network being planned including:

(a) State, regional, and local transportation needs;

(b) Needs of the transportation disadvantaged;

(c) Needs for movement of goods and services to support industrial and commercial development planned for pursuant to OAR chapter 660, division 9 and Goal 9 (Economic Development).

(2) Counties or MPO's preparing regional TSP's shall rely on the analysis of state transportation needs in adopted elements of the state TSP. Local governments preparing local TSP's shall rely on the analyses of state and regional transportation needs in adopted elements of the state TSP and adopted regional TSP's.

(3) Within urban growth boundaries, the determination of local and regional transportation needs shall be based upon:

(a) Population and employment forecasts and distributions that are consistent with the acknowledged comprehensive plan, including those policies that implement Goal 14. Forecasts and distributions shall be for 20 years and, if desired, for longer periods; and

(b) Measures adopted pursuant to OAR 660-012-0045 to encourage reduced reliance on the automobile.

(4) In MPO areas, calculation of local and regional transportation needs also shall be based upon accomplishment of the requirement in OAR 660-012-0035(4) to reduce reliance on the automobile.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 195.025, 197.040, 197.230, 197.245, 197.712, 197.717

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06; LCDD 1-2014, f. & cert. ef. 8-15-14

660-012-0035

Evaluation and Selection of Transportation System Alternatives

(1) The TSP shall be based upon evaluation of potential impacts of system alternatives that can reasonably be expected to meet the identified transportation needs in a safe manner and at a reasonable cost with available technology. The following shall be evaluated as components of system alternatives:

(a) Improvements to existing facilities or services;

(b) New facilities and services, including different modes or combinations of modes that could reasonably meet identified transportation needs;

(c) Transportation system management measures;

(d) Demand management measures; and

(e) A no-build system alternative required by the National Environmental Policy Act of 1969 or other laws.

(2) Local governments in MPO areas of larger than 1,000,000 population shall, and other governments may also, evaluate alternative land use designations, densities, and design standards to meet local and regional transportation needs. Local governments preparing such a strategy shall consider:

(a) Increasing residential densities and establishing minimum residential densities within one quarter mile of transit lines, major regional employment areas, and major regional retail shopping areas;

(b) Increasing allowed densities in new commercial office and retail developments in designated community centers;

(c) Designating lands for neighborhood shopping centers within convenient walking and cycling distance of residential areas; and

(d) Designating land uses to provide a better balance between jobs and housing considering:

(A) The total number of jobs and total of number of housing units expected in the area or subarea;

(B) The availability of affordable housing in the area or subarea; and
(C) Provision of housing opportunities in close proximity to employment areas.

(3) The following standards shall be used to evaluate and select alternatives:

(a) The transportation system shall support urban and rural development by providing types and levels of transportation facilities and services appropriate to serve the land uses identified in the acknowledged comprehensive plan;

(b) The transportation system shall be consistent with state and federal standards for protection of air, land and water quality including the State Implementation Plan under the Federal Clean Air Act and the State Water Quality Management Plan;

(c) The transportation system shall minimize adverse economic, social, environmental and energy consequences;

(d) The transportation system shall minimize conflicts and facilitate connections between modes of transportation; and

(e) The transportation system shall avoid principal reliance on any one mode of transportation by increasing transportation choices to reduce principal reliance on the automobile. In MPO areas this shall be accomplished by selecting transportation alternatives which meet the requirements in section (4) of this rule.

(4) In MPO areas, regional and local TSPs shall be designed to achieve adopted standards for increasing transportation choices and reducing reliance on the automobile. Adopted standards are intended as means of measuring progress of metropolitan areas towards developing and implementing transportation systems and land use plans that increase transportation choices and reduce reliance on the automobile. It is anticipated that metropolitan areas will accomplish reduced reliance by changing land use patterns and transportation systems so that walking, cycling, and use of transit are highly convenient and so that, on balance, people need to and are likely to drive less than they do today.

(5) MPO areas shall adopt standards to demonstrate progress towards increasing transportation choices and reducing automobile reliance as provided for in this rule:

(a) The commission shall approve standards by order upon demonstration by the metropolitan area that:

(A) Achieving the standard will result in a reduction in reliance on automobiles;

(B) Achieving the standard will accomplish a significant increase in the availability or convenience of alternative modes of transportation;

(C) Achieving the standard is likely to result in a significant increase in the share of trips made by alternative modes, including walking, bicycling, ridesharing and transit;

(D) VMT per capita is unlikely to increase by more than five percent; and

(E) The standard is measurable and reasonably related to achieving the goal of increasing transportation choices and reducing reliance on the automobile as described in OAR 660-012-0000.

(b) In reviewing proposed standards for compliance with subsection (a), the commission shall give credit to regional and local plans, programs, and actions implemented since 1990 that have already contributed to achieving the objectives specified in paragraphs (A)–(E) above;

(c) If a plan using a standard, approved pursuant to this rule, is expected to result in an increase in VMT per capita, then the cities and counties in

ADMINISTRATIVE RULES

the metropolitan area shall prepare and adopt an integrated land use and transportation plan including the elements listed in paragraphs (A)–(E) below. Such a plan shall be prepared in coordination with the MPO and shall be adopted within three years of the approval of the standard.

(A) Changes to land use plan designations, densities, and design standards listed in subsections (2)(a)–(d);

(B) A transportation demand management plan that includes significant new transportation demand management measures;

(C) A public transit plan that includes a significant expansion in transit service;

(D) Policies to review and manage major roadway improvements to ensure that their effects are consistent with achieving the adopted strategy for reduced reliance on the automobile, including policies that provide for the following:

(i) An assessment of whether improvements would result in development or travel that is inconsistent with what is expected in the plan;

(ii) Consideration of alternative measures to meet transportation needs;

(iii) Adoption of measures to limit possible unintended effects on travel and land use patterns including access management, limitations on subsequent plan amendments, phasing of improvements, etc.; and

(iv) For purposes of this section a “major roadway expansion” includes new arterial roads or streets and highways, the addition of travel lanes, and construction of interchanges to a limited access highway

(E) Plan and ordinance provisions that meet all other applicable requirements of this division.

(d) Standards may include but are not limited to:

(A) Modal share of alternative modes, including walking, bicycling, and transit trips;

(B) Vehicle hours of travel per capita;

(C) Vehicle trips per capita;

(D) Measures of accessibility by alternative modes (i.e. walking, bicycling and transit); or

(E) The Oregon Benchmark for a reduction in peak hour commuting by single occupant vehicles.

(e) Metropolitan areas shall adopt TSP policies to evaluate progress towards achieving the standard or standards adopted and approved pursuant to this rule. Such evaluation shall occur at regular intervals corresponding with federally-required updates of the regional transportation plan. This shall include monitoring and reporting of VMT per capita.

(6) A metropolitan area may also accomplish compliance with requirements of subsection (3)(e), sections (4) and (5) by demonstrating to the commission that adopted plans and measures are likely to achieve a five percent reduction in VMT per capita over the 20-year planning period. The commission shall consider and act on metropolitan area requests under this section by order. A metropolitan area that receives approval under this section shall adopt interim benchmarks for VMT reduction and shall evaluate progress in achieving VMT reduction at each update of the regional transportation system plan.

(7) Regional and local TSPs shall include benchmarks to assure satisfactory progress towards meeting the approved standard or standards adopted pursuant to this rule at regular intervals over the planning period. MPOs and local governments shall evaluate progress in meeting benchmarks at each update of the regional transportation plan. Where benchmarks are not met, the relevant TSP shall be amended to include new or additional efforts adequate to meet the requirements of this rule.

(8) The commission shall, at regular intervals, evaluate the results of efforts to achieve the reduction in VMT and the effectiveness of approved plans and standards in achieving the objective of increasing transportation choices and reducing reliance on the automobile.

(9) Where existing and committed transportation facilities and services have adequate capacity to support the land uses in the acknowledged comprehensive plan, the local government shall not be required to evaluate alternatives as provided in this rule.

(10) Transportation uses or improvements listed in OAR 660-012-0065(3)(d) to (g) and (o) and located in an urban fringe may be included in a TSP only if the improvement project identified in the Transportation System Plan as described in section (12) of this rule, will not significantly reduce peak hour travel time for the route as determined pursuant to section (11) of this rule, or the jurisdiction determines that the following alternatives can not reasonably satisfy the purpose of the improvement project:

(a) Improvements to transportation facilities and services within the urban growth boundary;

(b) Transportation system management measures that do not significantly increase capacity; or

(c) Transportation demand management measures. The jurisdiction needs only to consider alternatives that are safe and effective, consistent with applicable standards and that can be implemented at a reasonable cost using available technology.

(11) An improvement project significantly reduces peak hour travel time when, based on recent data, the time to travel the route is reduced more than 15 percent during weekday peak hour conditions over the length of the route located within the urban fringe. For purposes of measuring travel time, a route shall be identified by the predominant traffic flows in the project area.

(12) A “transportation improvement project” described in section (10) of this rule:

(a) Is intended to solve all of the reasonably foreseeable transportation problems within a general geographic location, within the planning period; and

(b) Has utility as an independent transportation project.

Stat. Auth.: ORS 197.040, 197.245

Stats. Implemented: ORS 195.025, 197.040, 197.230, 197.245, 197.712, 197.717

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDC 3-1995, f. & cert. ef. 3-31-95; LCDC 4-1995, f. & cert. ef. 5-8-95; LCDD 6-1998, f. & cert. ef. 10-30-98; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06; LCDD 1-2014, f. & cert. ef. 8-15-14

660-012-0045

Implementation of the Transportation System Plan

(1) Each local government shall amend its land use regulations to implement the TSP.

(a) The following transportation facilities, services and improvements need not be subject to land use regulations except as necessary to implement the TSP and, under ordinary circumstances do not have a significant impact on land use:

(A) Operation, maintenance, and repair of existing transportation facilities identified in the TSP, such as road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals;

(B) Dedication of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are consistent with clear and objective dimensional standards;

(C) Uses permitted outright under ORS 215.213(1)(j)–(m) and 215.283(1)(h)–(k), consistent with the provisions of OAR 660-012-0065; and

(D) Changes in the frequency of transit, rail and airport services.

(b) To the extent, if any, that a transportation facility, service or improvement concerns the application of a comprehensive plan provision or land use regulation, it may be allowed without further land use review if it is permitted outright or if it is subject to standards that do not require interpretation or the exercise of factual, policy or legal judgment;

(c) In the event that a transportation facility, service or improvement is determined to have a significant impact on land use or to concern the application of a comprehensive plan or land use regulation and to be subject to standards that require interpretation or the exercise of factual, policy or legal judgment, the local government shall provide a review and approval process that is consistent with OAR 660-012-0050. To facilitate implementation of the TSP, each local government shall amend its land use regulations to provide for consolidated review of land use decisions required to permit a transportation project.

(2) Local governments shall adopt land use or subdivision ordinance regulations, consistent with applicable federal and state requirements, to protect transportation facilities, corridors and sites for their identified functions. Such regulations shall include:

(a) Access control measures, for example, driveway and public road spacing, median control and signal spacing standards, which are consistent with the functional classification of roads and consistent with limiting development on rural lands to rural uses and densities;

(b) Standards to protect future operation of roads, transitways and major transit corridors;

(c) Measures to protect public use airports by controlling land uses within airport noise corridors and imaginary surfaces, and by limiting physical hazards to air navigation;

(d) A process for coordinated review of future land use decisions affecting transportation facilities, corridors or sites;

(e) A process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities, corridors or sites;

(f) Regulations to provide notice to public agencies providing transportation facilities and services, MPOs, and ODOT of:

(A) Land use applications that require public hearings;

(B) Subdivision and partition applications;

(C) Other applications which affect private access to roads; and

ADMINISTRATIVE RULES

(D) Other applications within airport noise corridors and imaginary surfaces which affect airport operations; and

(g) Regulations assuring that amendments to land use designations, densities, and design standards are consistent with the functions, capacities and performance standards of facilities identified in the TSP.

(3) Local governments shall adopt land use or subdivision regulations for urban areas and rural communities as set forth below. The purposes of this section are to provide for safe and convenient pedestrian, bicycle and vehicular circulation consistent with access management standards and the function of affected streets, to ensure that new development provides on-site streets and accessways that provide reasonably direct routes for pedestrian and bicycle travel in areas where pedestrian and bicycle travel is likely if connections are provided, and which avoids wherever possible levels of automobile traffic which might interfere with or discourage pedestrian or bicycle travel.

(a) Bicycle parking facilities as part of new multi-family residential developments of four units or more, new retail, office and institutional developments, and all transit transfer stations and park-and-ride lots;

(b) On-site facilities shall be provided which accommodate safe and convenient pedestrian and bicycle access from within new subdivisions, multi-family developments, planned developments, shopping centers, and commercial districts to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. Single-family residential developments shall generally include streets and accessways. Pedestrian circulation through parking lots should generally be provided in the form of accessways.

(A) "Neighborhood activity centers" includes, but is not limited to, existing or planned schools, parks, shopping areas, transit stops or employment centers;

(B) Bikeways shall be required along arterials and major collectors. Sidewalks shall be required along arterials, collectors and most local streets in urban areas, except that sidewalks are not required along controlled access roadways, such as freeways;

(C) Cul-de-sacs and other dead-end streets may be used as part of a development plan, consistent with the purposes set forth in this section;

(D) Local governments shall establish their own standards or criteria for providing streets and accessways consistent with the purposes of this section. Such measures may include but are not limited to: standards for spacing of streets or accessways; and standards for excessive out-of-direction travel;

(E) Streets and accessways need not be required where one or more of the following conditions exist:

(i) Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided;

(ii) Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or

(iii) Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

(c) Where off-site road improvements are otherwise required as a condition of development approval, they shall include facilities accommodating convenient pedestrian and bicycle travel, including bicycle ways along arterials and major collectors;

(d) For purposes of subsection (b) "safe and convenient" means bicycle and pedestrian routes, facilities and improvements which:

(A) Are reasonably free from hazards, particularly types or levels of automobile traffic which would interfere with or discourage pedestrian or cycle travel for short trips;

(B) Provide a reasonably direct route of travel between destinations such as between a transit stop and a store; and

(C) Meet travel needs of cyclists and pedestrians considering destination and length of trip; and considering that the optimum trip length of pedestrians is generally 1/4 to 1/2 mile.

(e) Internal pedestrian circulation within new office parks and commercial developments shall be provided through clustering of buildings, construction of accessways, walkways and similar techniques.

(4) To support transit in urban areas containing a population greater than 25,000, where the area is already served by a public transit system or where a determination has been made that a public transit system is feasible, local governments shall adopt land use and subdivision regulations as provided in (a)-(g) below:

(a) Transit routes and transit facilities shall be designed to support transit use through provision of bus stops, pullouts and shelters, optimum road geometrics, on-road parking restrictions and similar facilities, as appropriate;

(b) New retail, office and institutional buildings at or near major transit stops shall provide for convenient pedestrian access to transit through the measures listed in paragraphs (A) and (B) below.

(A) Walkways shall be provided connecting building entrances and streets adjoining the site;

(B) Pedestrian connections to adjoining properties shall be provided except where such a connection is impracticable as provided for in OAR 660-012-0045(3)(b)(E). Pedestrian connections shall connect the on site circulation system to existing or proposed streets, walkways, and driveways that abut the property. Where adjacent properties are undeveloped or have potential for redevelopment, streets, accessways and walkways on site shall be laid out or stubbed to allow for extension to the adjoining property;

(C) In addition to paragraphs (A) and (B) above, on sites at major transit stops provide the following:

(i) Either locate buildings within 20 feet of the transit stop, a transit street or an intersecting street or provide a pedestrian plaza at the transit stop or a street intersection;

(ii) A reasonably direct pedestrian connection between the transit stop and building entrances on the site;

(iii) A transit passenger landing pad accessible to disabled persons;

(iv) An easement or dedication for a passenger shelter if requested by the transit provider; and

(v) Lighting at the transit stop.

(c) Local governments may implement (4)(b)(A) and (B) above through the designation of pedestrian districts and adoption of appropriate implementing measures regulating development within pedestrian districts. Pedestrian districts must comply with the requirement of (4)(b)(C) above;

(d) Designated employee parking areas in new developments shall provide preferential parking for carpools and vanpools;

(e) Existing development shall be allowed to redevelop a portion of existing parking areas for transit-oriented uses, including bus stops and pullouts, bus shelters, park and ride stations, transit-oriented developments, and similar facilities, where appropriate;

(f) Road systems for new development shall be provided that can be adequately served by transit, including provision of pedestrian access to existing and identified future transit routes. This shall include, where appropriate, separate accessways to minimize travel distances;

(g) Along existing or planned transit routes, designation of types and densities of land uses adequate to support transit.

(5) In MPO areas, local governments shall adopt land use and subdivision regulations to reduce reliance on the automobile which:

(a) Allow transit-oriented developments (TODs) on lands along transit routes;

(b) Implements a demand management program to meet the measurable standards set in the TSP in response to OAR 660-012-0035(4);

(c) Implements a parking plan which:

(A) Achieves a 10 percent reduction in the number of parking spaces per capita in the MPO area over the planning period. This may be accomplished through a combination of restrictions on development of new parking spaces and requirements that existing parking spaces be redeveloped to other uses;

(B) Aids in achieving the measurable standards set in the TSP in response to OAR 660-012-0035(4);

(C) Includes land use and subdivision regulations setting minimum and maximum parking requirements in appropriate locations, such as downtowns, designated regional or community centers, and transit oriented-developments; and

(D) Is consistent with demand management programs, transit-oriented development requirements and planned transit service.

(d) As an alternative to (c) above, local governments in an MPO may instead revise ordinance requirements for parking as follows:

(A) Reduce minimum off-street parking requirements for all non-residential uses from 1990 levels;

(B) Allow provision of on-street parking, long-term lease parking, and shared parking to meet minimum off-street parking requirements;

(C) Establish off-street parking maximums in appropriate locations, such as downtowns, designated regional or community centers, and transit-oriented developments;

(D) Exempt structured parking and on-street parking from parking maximums;

ADMINISTRATIVE RULES

(E) Require that parking lots over 3 acres in size provide street-like features along major driveways (including curbs, sidewalks, and street trees or planting strips); and

(F) Provide for designation of residential parking districts.

(e) Require all major industrial, institutional, retail and office developments to provide either a transit stop on site or connection to a transit stop along a transit trunk route when the transit operator requires such an improvement.

(6) In developing a bicycle and pedestrian circulation plan as required by OAR 660-012-0020(2)(d), local governments shall identify improvements to facilitate bicycle and pedestrian trips to meet local travel needs in developed areas. Appropriate improvements should provide for more direct, convenient and safer bicycle or pedestrian travel within and between residential areas and neighborhood activity centers (i.e., schools, shopping, transit stops). Specific measures include, for example, constructing walkways between cul-de-sacs and adjacent roads, providing walkways between buildings, and providing direct access between adjacent uses.

(7) Local governments shall establish standards for local streets and accessways that minimize pavement width and total right-of-way consistent with the operational needs of the facility. The intent of this requirement is that local governments consider and reduce excessive standards for local streets and accessways in order to reduce the cost of construction, provide for more efficient use of urban land, provide for emergency vehicle access while discouraging inappropriate traffic volumes and speeds, and which accommodate convenient pedestrian and bicycle circulation. Notwithstanding section (1) or (3) of this rule, local street standards adopted to meet this requirement need not be adopted as land use regulations.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 197.040

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDC 4-1995, f. & cert. ef. 5-8-95; LCDC 11-1995, f. & cert. ef. 12-22-95; LCDD 6-1998, f. & cert. ef. 10-30-98; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06; LCDD 1-2014, f. & cert. ef. 8-15-14

660-012-0055

Timing of Adoption and Update of Transportation System Plans; Exemptions

(1) MPOs shall complete regional TSPs for their planning areas by May 8, 1996. For those areas within a MPO, cities and counties shall adopt local TSPs and implementing measures within one year following completion of the regional TSP:

(a) If by May 8, 2000, a Metropolitan Planning Organization (MPO) has not adopted a regional transportation system plan that meets the VMT reduction standard in OAR 660-012-0035 and the metropolitan area does not have an approved alternative standard established pursuant to OAR 660-012-0035, then the cities and counties within the metropolitan area shall prepare and adopt an integrated land use and transportation plan as outlined in OAR 660-012-0035. Such a plan shall be prepared in coordination with the MPO and shall be adopted within three years;

(b) When an area is designated as an MPO or is added to an existing MPO, the affected local governments shall, within one year of adoption of the regional transportation plan, adopt a regional TSP in compliance with applicable requirements of this division and amend local transportation system plans to be consistent with the regional TSP.

(c) Local governments in metropolitan areas may request and the commission may by order grant an extension for completing an integrated land use and transportation plan required by this division. Local governments requesting an extension shall set forth a schedule for completion of outstanding work needed to complete an integrated land use and transportation plan as set forth in OAR 660-012-0035. This shall include, as appropriate:

(A) Adoption of a long-term land use and transportation vision for the region;

(B) Identification of centers and other land use designations intended to implement the vision;

(C) Adoption of housing and employment allocations to centers and land use designations; and

(D) Adoption of implementing plans and zoning for designated centers and other land use designations.

(d) Local governments within metropolitan areas that are not in compliance with the requirements of this division to adopt or implement a standard to increase transportation choices or have not completed an integrated land use and transportation plan as required by this division shall review plan and land use regulation amendments and adopt findings that demonstrate that the proposed amendment supports implementation of the region's adopted vision, strategy, policies or plans to increase transportation choices and reduce reliance on the automobile.

(2) A plan or land use regulation amendment supports implementation of an adopted regional strategy, policy or plan for purposes of this section if it achieves the following as applicable:

(a) Implements the strategy or plan through adoption of specific plans or zoning that authorizes uses or densities that achieve desired land use patterns;

(b) Allows uses in designated centers or neighborhoods that accomplish the adopted regional vision, strategy, plan or policies; and

(c) Allows uses outside designated centers or neighborhood that either support or do not detract from implementation of desired development within nearby centers.

(3) For areas outside an MPO, cities and counties shall complete and adopt regional and local TSPs and implementing measures by May 8, 1997.

(4) By November 8, 1993, affected cities and counties shall, for non-MPO urban areas of 25,000 or more, adopt land use and subdivision ordinances or amendments required by OAR 660-012-0045(3), (4)(a)-(f) and (5)(d). By May 8, 1994 affected cities and counties within MPO areas shall adopt land use and subdivision ordinances or amendments required by 660-012-0045(3), (4)(a)-(e) and (5)(e). Affected cities and counties which do not have acknowledged ordinances addressing the requirements of this section by the deadlines listed above shall apply 660-012-0045(3), (4)(a)-(g) and (5)(e) directly to all land use decisions and all limited land use decisions.

(5)(a) Affected cities and counties that either:

(A) Have acknowledged plans and land use regulations that comply with this rule as of May 8, 1995, may continue to apply those acknowledged plans and land use regulations; or

(B) Have plan and land use regulations adopted to comply with this rule as of April 12, 1995, may continue to apply the provisions of this rule as they existed as of April 12, 1995, and may continue to pursue acknowledgment of the adopted plans and land use regulations under those same rule provisions provided such adopted plans and land use regulations are acknowledged by April 12, 1996. Affected cities and counties that qualify and make this election under this paragraph shall update their plans and land use regulations to comply with the 1995 amendments to OAR 660-012-0045 as part of their transportation system plans.

(b) Affected cities and counties that do not have acknowledged plans and land use regulations as provided in subsection (a) of this section, shall apply relevant sections of this rule to land use decisions and limited land use decisions until land use regulations complying with this amended rule have been adopted.

(6) Cities and counties shall update their TSPs and implementing measures as necessary to comply with this division at each periodic review subsequent to initial compliance with this division. Local governments within metropolitan areas shall amend local transportation system plans to be consistent with an adopted regional transportation system plan within one year of the adoption of an updated regional transportation system plan or by a date specified in the adopted regional transportation system plan.

(7) The director may grant a whole or partial exemption from the requirements of this division to cities under 10,000 population and counties under 25,000 population, and for areas within a county within an urban growth boundary that contains a population less than 10,000. Eligible jurisdictions may request that the director approve an exemption from all or part of the requirements in this division. Exemptions shall be for a period determined by the director or until the jurisdiction's next periodic review, whichever is shorter.

(a) The director's decision to approve an exemption shall be based upon the following factors:

(A) Whether the existing and committed transportation system is generally adequate to meet likely transportation needs;

(B) Whether the new development or population growth is anticipated in the planning area over the next five years;

(C) Whether major new transportation facilities are proposed which would affect the planning areas;

(D) Whether deferral of planning requirements would conflict with accommodating state or regional transportation needs; and

(E) Consultation with the Oregon Department of Transportation on the need for transportation planning in the area, including measures needed to protect existing transportation facilities.

(b) The director's decision to grant an exemption under this section is appealable to the commission as provided in OAR 660-002-0020 (Delegation of Authority Rule)

(8) Portions of TSPs and implementing measures adopted as part of comprehensive plans prior to the responsible jurisdiction's periodic review

ADMINISTRATIVE RULES

shall be reviewed pursuant to OAR chapter 660, division 18, Post Acknowledgment Procedures.

Stat. Auth.: ORS 183, 197.040 & 197.245

Stats. Implemented: ORS 195.025, 197.040, 197.230, 197.245, 197.610 - 197.625, 197.628 - 197.646, 197.712 & 197.717

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDC 1-1993, f. & cert. ef. 6-15-93; LCDC 4-1995, f. & cert. ef. 5-8-95; LCDD 6-1998, f. & cert. ef. 10-30-98; LCDD 2-2000, f. & cert. ef. 2-4-00; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06; LCDD 1-2014, f. & cert. ef. 8-15-14

Oregon Department of Education, Early Learning Division Chapter 414

Rule Caption: History considered when enrolling or removing individuals in central child care registry

Adm. Order No.: ELD 7-2014(Temp)

Filed with Sec. of State: 8-7-2014

Certified to be Effective: 8-7-14 thru 2-3-15

Notice Publication Date:

Rules Amended: 414-061-0050

Subject: Individuals who operate or are employed by child care facilities are required to be enrolled in the central background registry and must go through a background check, and be determined suitable for enrollment in the registry.

The amendments revise rules to enable the Office of Child Care to consider patterns of behavior in the absence of a conviction or founded child abuse case.

Rules Coordinator: Cindy Hunt—(503) 947-5651

414-061-0050

History to be Considered

(1) Office of Child Care (OCC) has determined that serious felonies and misdemeanors involving violence or unauthorized sexual conduct, especially with children or otherwise vulnerable persons, is fundamentally inconsistent with any responsibility for care of children. Conviction of crimes listed in Category I of this rule shall disqualify a subject individual from being enrolled in the Central Background Registry, unless the subject individual provides sufficient evidence of suitability as described in section (6) of this rule.

(a) The crimes in Category I include:

- (A) 162.165 Escape I;
- (B) 162.185 Supplying Contraband;
- (C) 163.095 Aggravated Murder;
- (D) 163.115 Murder;
- (E) 163.118 Manslaughter I;
- (F) 163.125 Manslaughter II;
- (G) 163.145 Criminally Negligent Homicide;
- (H) 163.165 Assault III;
- (I) 163.175 Assault II;
- (J) 163.185 Assault I;
- (K) 163.200 Criminal Mistreatment II;
- (L) 163.205 Criminal Mistreatment I;
- (M) 163.225 Kidnapping II;
- (N) 163.235 Kidnapping I;
- (P) 163.275 Coercion;
- (Q) 163.355 Rape III;
- (R) 163.365 Rape II;
- (S) 163.375 Rape I;
- (T) 163.385 Sodomy III;
- (U) 163.395 Sodomy II;
- (V) 163.405 Sodomy I;
- (W) 163.408 Unlawful Sexual Penetration II;
- (X) 163.411 Unlawful Sexual Penetration I;
- (Y) 163.415 Sexual Abuse III;
- (Z) 163.425 Sexual Abuse II;
- (AA) 163.427 Sexual Abuse I;
- (BB) 163.435 Contributing to Sexual Delinquency of Minor;
- (CC) 163.445 Sexual Misconduct;
- (DD) 163.515 Bigamy;
- (EE) 163.525 Incest;
- (FF) 163.535 Abandonment of a Child;
- (GG) 163.545 Child Neglect II;
- (HH) 163.547 Child Neglect I;
- (II) 163.555 Criminal Nonsupport;
- (JJ) 163.575 Endangering the Welfare of a Minor;

- (KK) 163.670 Using Child in Display of Sexually Explicit Conduct;
 - (LL) 163.684 Encouraging Child Sexual Abuse I;
 - (MM) 163.685 Encouraging Child Sexual Abuse II;
 - (NN) 163.686 Encouraging Child Sexual Abuse III;
 - (OO) 163.688 Possession of Materials Depicting Sexually Explicit Conduct of a Child I;
 - (PP) 163.689 Possession of Materials Depicting Sexually Explicit Conduct of a Child II;
 - (QQ) 163.693 Failure to Report Child Pornography;
 - (RR) 163.732 Stalking;
 - (SS) 164.075 Theft by Extortion;
 - (TT) 164.225 Burglary I;
 - (UU) 164.325 Arson I;
 - (VV) 164.395 Robbery III;
 - (WW) 164.405 Robbery II;
 - (XX) 164.415 Robbery I;
 - (YY) 166.085 Abuse of Corpse II;
 - (ZZ) 166.087 Abuse of Corpse I;
 - (AAA) 166.155 Intimidation II;
 - (BBB) 166.165 Intimidation I;
 - (CCC) 166.220 Unlawful Use of a Weapon;
 - (DDD) 166.270 Possession of Weapons by Certain Felons;
 - (EEE) 166.272 Unlawful Possession of Machine Guns, Certain Short Barreled Firearms and Firearms Silencers;
 - (FFF) 166.275 Possession of Weapons by Inmates of Institutions;
 - (GGG) 166.382 Possession of Destructive Device;
 - (HHH) 166.384 Unlawful Manufacture of Destructive Device;
 - (III) 166.429 Firearms Used in Felony;
 - (JJJ) 166.660 Unlawful Paramilitary Activity;
 - (KKK) 166.720 Racketeering Activity;
 - (LLL) 167.012 Promoting Prostitution;
 - (MMM) 167.017 Compelling Prostitution;
 - (NNN) 167.062 Sadomasochistic Abuse or Sexual Conduct in Live Show;
 - (OOO) 167.065 Furnishing Obscene Materials to Minors;
 - (PPP) 167.070 Sending Obscene Materials to Minors;
 - (QQQ) 167.075 Exhibiting an Obscene Performance to a Minor;
 - (RRR) 167.080 Displaying Obscene Materials to Minors;
 - (SSS) 167.087 Disseminating Obscene Material;
 - (TTT) 167.090 Publicly Displaying Nudity or Sex for Advertising Purposes;
 - (UUU) 167.212 Tampering with Drug Records;
 - (VVV) 167.262 Adult Using Minor in Commission of Controlled Substance Offense; or
 - (WWW) 181.599 Failure to Report as Sex Offender.
- (b) OCC will consider the following crimes if they were committed 15 years or less prior to the date the subject individual signed the Consent for Criminal Records Check and Request for Enrollment in the Central Background Registry: Assault III; Bigamy; Burglary I; Coercion; Contributing to Sexual Delinquency of Minor; Criminal Mistreatment II; Criminal Nonsupport; Kidnapping II; Possession of Weapons by Certain Felons; Racketeering Activity; Rape III; Robbery II; Robbery III; Sexual Misconduct; Stalking; Supplying Contraband; and Unlawful Use of a Weapon.
- (c) OCC will consider the following crimes if they were committed 20 years or less prior to the date the subject individual signed the Consent for Criminal Records Check and Request for Enrollment in the Central Background Registry: Abuse of a Corpse I; Abuse of a Corpse II; Adult Using Minor in Commission of Controlled Substance Offense; Arson I; Assault I; Assault II; Compelling Prostitution; Criminal Mistreatment I; Criminally Negligent Homicide; Disseminating Obscene Material; Escape I; Failure to Report Child Pornography; Failure to Report as Sex Offender; Firearms Used in Felony; Incest; Intimidation I; Intimidation II; Kidnapping I; Manslaughter I; Manslaughter II; Possession of Destructive Device; Possession of Weapons by Inmates of Institutions; Promoting Prostitution; Publicly Displaying Nudity or Sex for Advertising Purposes; Robbery I; Sadomasochistic Abuse or Sexual Conduct in Live Show; Tampering with Drug Records; Theft by Extortion; Unlawful Manufacture of Destructive Device; Unlawful Paramilitary Activity; and Unlawful Possession of Machine Guns, Certain Short Barreled Firearms and Firearms Silencers.
- (d) OCC will consider the following crimes regardless of the length of time since they were committed: Abandonment of a Child; Aggravated Murder; Child Neglect I; Child Neglect II; Displaying Obscene Materials to Minors; Encouraging Child Sexual Abuse I; Encouraging Child Sexual

ADMINISTRATIVE RULES

Abuse II; Encouraging Child Sexual Abuse III; Endangering the Welfare of a Minor; Exhibiting an Obscene Performance to a Minor; Furnishing Obscene Materials to Minors; Murder; Possession of Materials Depicting Sexually Explicit Conduct of a Child I; Possession of Materials Depicting Sexually Explicit Conduct of a Child II; Rape I; Rape II; Sending Obscene Materials to Minors; Sexual Abuse I; Sexual Abuse II; Sexual Abuse III; Unlawful Sexual Penetration I; Unlawful Sexual Penetration II; Sodomy I; Sodomy II; Sodomy III; and Using Child in Display of Sexually Explicit Conduct.

(e) These rules also apply to:

(A) A conviction of a crime in another jurisdiction which is the substantial equivalent of a crime listed in Category I;

(B) An adjudication by a juvenile court that a youth has committed an act that is the substantial equivalent of a crime listed in Category I; and

(C) Any attempts or solicitations to commit any Felony or Misdemeanor crime listed in Category I.

(f) 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.

(2) CCD has further determined that felonies and misdemeanors involving theft, fraud, or deception, crimes against the state and public justice, and major traffic violations may substantially jeopardize the safety of children and are inconsistent with any position of unsupervised contact with children or otherwise vulnerable persons. If any subject individual was convicted of a crime listed in Category II of this rule, CCD will seek to obtain and review information on all intervening circumstances and other background information related to criminal activity, subject to section (6) of this rule. Based on this information, the Division will make a decision whether or not to enroll the subject individual in the Central Background Registry.

(a) The crimes in Category II include:

- (A) 162.025 Bribe Receiving;
- (B) 162.065 Perjury;
- (C) 162.155 Escape II;
- (D) 162.205 Failure to Appear I;
- (E) 162.235 Obstructing Governmental or Judicial Administration;
- (F) 162.265 Bribing a Witness;
- (G) 162.275 Bribe Receiving by a Witness;
- (H) 162.285 Tampering with a Witness;
- (I) 162.305 Tampering with Public Records;
- (J) 162.325 Hindering Prosecution;
- (K) 162.405 Official Misconduct II;
- (L) 162.415 Official Misconduct I;
- (M) 163.160 Assault IV;
- (N) 163.190 Menacing;
- (O) 163.195 Recklessly Endangering Another Person;
- (P) 163.208 Assault on a Public Safety Officer;
- (Q) 163.465 Public Indecency;
- (R) 163.700 Invasion of Personal Privacy;
- (S) 164.055 Theft I;
- (T) 164.057 Aggravated Theft I;
- (U) 164.215 Burglary II;
- (V) 164.315 Arson II;
- (W) 164.365 Criminal Mischief I;
- (X) 165.013 Forgery I;
- (Y) 165.022 Criminal Possession of a Forged Instrument I;
- (Z) 165.032 Criminal Possession of a Forgery Device;
- (AA) 165.055 Fraudulent Use of a Credit Card (over \$750);
- (BB) 165.070 Possessing Fraudulent Communications Device;
- (CC) 165.074 Unlawful Factoring of Credit Card Transaction;
- (DD) 165.085 Sports Bribery;
- (EE) 165.090 Sports Bribe Receiving;
- (FF) 166.015 Riot;
- (GG) 166.065 Harassment;
- (HH) 166.090 Telephone Harassment;
- (II) 166.190 Pointing Firearm at Another;
- (JJ) 166.240 Carrying of Concealed Weapons;
- (KK) 166.250 Unlawful Possession of Firearms;
- (LL) 167.007 Prostitution;
- (MM) 167.222 Frequenting a Place Where Controlled Substances are

Used;

- (NN) 167.320 Animal Abuse I;
- (OO) 167.322 Aggravated Animal Abuse I;
- (PP) 167.330 Animal Neglect I;
- (QQ) 411.630 Unlawfully Obtaining Public Assistance;

(RR) 411.675 Submitting Wrongful Claim or Payment Prohibited;
(SS) 411.840 Unlawfully Obtaining or Disposing of Food Stamp Benefits;

(TT) 471.410 Providing Liquor to Person under 21 or to Intoxicated Person;

(UU) 475.992 Prohibited Acts Generally; Penalties; Affirmative Defense for Certain Peyote Uses (controlled substance offenses);

(VV) 475.993 Prohibited Acts for Registrants; Penalties;

(WW) 475.994 Prohibited Acts Involving Records and Fraud; Penalties;

(XX) 475.995 Penalties for Distribution to Minors;

(YY) 475.996 Crime Category Classification for Violation of ORS 475.992; Proof of Commercial Drug Offense;

(ZZ) 475.999 Penalty for Manufacture or Delivery of Controlled Substance within 1,000 feet of School;

(AAA) 811.140 Reckless Driving;

(BBB) 811.182 Criminal Driving while Suspended or Revoked;

(CCC) 811.540 Fleeing or Attempting to Elude Police Officer;

(DDD) 811.700 Failure to Perform Duties of Driver When Property Damaged (hit and run, property);

(EEE) 811.705 Failure to Perform Duties of Driver to Injured Persons (hit and run, injury); or

(FFF) 813.010 Driving Under the Influence of Intoxicants.

(b) OCC will consider the following crimes if they were committed 5 years or less prior to the date the subject individual signed the Consent for Criminal Records Check and Request for Enrollment in the Central Background Registry: Bribe Receiving; Bribe Receiving by a Witness; Bribing a Witness; Criminal Driving while Suspended or Revoked; Criminal Possession of a Forged Instrument I; Criminal Possession of Forgery Device; Failure to Appear I; Forgery I; Fraudulent use of a Credit Card (over \$750); Hindering Prosecution; Failure to Perform Duties of Driver to Injured Persons (hit and run, injury); Failure to Perform Duties of Driver When Property Damaged (hit and run, property); Obstructing Governmental or Judicial Administration; Criminal Driving while Suspended or Revoked; Official Misconduct I; Official Misconduct II; Perjury; Possessing Fraudulent Communications Device; Reckless Driving; Sports Bribe Receiving; Sports Bribery; Submitting Wrongful Claim or Payment Prohibited; Tampering with a Witness; Tampering with Public Records; Unlawful Factoring of Credit Card Transaction; Unlawfully Obtaining or Disposing of Food Stamp Benefits; Unlawfully Obtaining Public Assistance.

(c) OCC will consider the following crimes if they were committed 7 years or less prior to the date the subject individual signed the Consent for Criminal Records Check and Request for Enrollment in the Central Background Registry: Aggravated Animal Abuse I; Animal Abuse I; Animal Neglect I; Assault IV; Carrying of Concealed Weapons; Criminal Mischief I; Driving under the Influence of Intoxicants; Fleeing or Attempting to Elude Police Officer; Harassment; Menacing; Recklessly Endangering Another Person; Telephone Harassment; Theft I; and Unlawful Possession of Firearms.

(d) OCC will consider the following crimes if they were committed 10 years or less prior to the date the subject individual signed the Consent for Criminal Records Check and Request for Enrollment in the Central Background Registry: Aggravated Theft I; Arson II; Assault on a Public Safety Officer; Burglary II; Escape II; Invasion of Personal Privacy; Pointing Firearm at Another; Providing Liquor to Person Under 21 or to Intoxicated Person; Public Indecency; and Riot.

(e) OCC will consider the following crimes if they were committed 15 years or less prior to the date the subject individual signed the Consent for Criminal Records Check and Request for Enrollment in the Central Background Registry: Crime Category Classification for Violation of ORS 475.992/Proof of Commercial Drug Offense; Frequenting a Place Where Controlled Substances are Used; Prohibited Acts for Registrants; penalties; Prohibited Acts Generally; Penalties; Affirmative Defense for Certain Peyote Uses (controlled substance offenses); Prohibited Acts involving Records and Frauds; Penalties; and Prostitution.

(f) OCC will consider the following crimes if they were committed 20 years or less prior to the date the subject individual signed the Consent for Criminal Records Check and Request for Enrollment in the Central Background Registry: Penalties for Distribution to Minors; and Penalty for Manufacture or Delivery of Controlled Substance within 1,000 feet of School.

(g) These rules also apply to:

(A) A conviction of a crime in another jurisdiction which is the substantial equivalent of a crime listed in Category II;

ADMINISTRATIVE RULES

(B) An adjudication by a juvenile court that a youth has committed an act that is the substantial equivalent of a crime listed in Category II; and

(C) Any attempts or solicitations to commit any Felony or Misdemeanor crime listed in Category II.

(h) 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.

(3) OCC has determined that a negative history involving a vulnerable population may substantially jeopardize the safety of children and are inconsistent with any position of unsupervised contact with children or otherwise vulnerable persons. If any subject individual has a child protective services history or a negative history involving other populations, OCC will seek to obtain and review information related to the history, subject to section (6) of this rule. Based on this information, OCC will make a decision whether or not to enroll or remove the subject individual in or from the Central Background Registry.

(a) OCC has determined that firearm prohibition orders or guilt by the exception of insanity, may substantially jeopardize the safety of children and are inconsistent with any position of unsupervised contact with children or otherwise vulnerable persons. If any subject individual has an active firearm prohibition order, OCC will seek to obtain and review information related to the case, subject to section (6) of this rule. Based on this information, OCC will make a decision whether or not to enroll or remove the subject individual in or from the Central Background Registry.

(b) If OCC determines a subject individual who has demonstrated behavior that may have a detrimental effect on a child or indicates behavior that may jeopardize the safety of a child, OCC will make a decision whether or not to enroll or remove the subject individual in or from the Central Background Registry.

(c) If OCC determines a subject individual is a registered sex offender in Oregon or any other jurisdiction, OCC will make a decision whether or not to enroll or remove the subject individual in or from the Central Background Registry.

(4) If OCC determines that additional information is needed to assess a person's suitability to be enrolled or remain enrolled in the Central Background Registry, the subject individual shall provide the requested information within the required timeframes. The additional information may include, but is not limited to, an evaluation or assessment by a physician, counselor or other qualified person, documents to determine positive identification of the subject individual, and court documents.

(5) If a subject individual is in a diversion program or similar agreement for any Category I or Category II crime, the subject individual must provide written documentation of compliance with the terms of diversion or similar agreement. Based on all information obtained, OCC will make a decision whether or not to enroll or remove the subject individual in or from the Central Background Registry.

(6) Factors to be considered in determining suitability, based on information available to CCD and information provided by the subject individual, include:

- (a) Types and number of incidences;
- (b) Passage of time since the incident occurred;
- (c) Circumstances surrounding the incident;
- (d) Intervening circumstances since the occurrence of the incident;

and
(e) Relationship of the facts under subsections (a) through (d) of this section to the individual's suitability to work with children.

(7) OCC will not bar from enrollment in the Central Background Registry any subject individual because of the existence or contents of a juvenile record that has been expunged by the court.

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

Stat. Auth.: ORS 657A.030

Stats. Implemented: ORS 657A.030

Hist.: CCD 1-1998, f. 9-30-98, cert. ef. 10-1-98; CCD 2-2003, f. 12-5-03 cert. ef. 12-7-03;

CCD 3-2004, f. 7-30-04 cert. ef. 8-1-04; CCD 1-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru

6-30-10; CCD 1-2010, f. 6-29-10, cert. ef. 7-1-10; ELD 7-2014(Temp), f. & cert. ef. 8-7-14

thru 2-3-15

Rule Caption: Health and safety standards relating to certified family child care homes

Adm. Order No.: ELD 8-2014(Temp)

Filed with Sec. of State: 8-7-2014

Certified to be Effective: 8-7-14 thru 2-3-15

Notice Publication Date:

Rules Amended: 414-350-0010, 414-350-0030, 414-350-0090

Subject: Prohibit individuals who hold a medical marijuana card from being a licensed child care provider.

Prohibit any individual from possessing, storing, or using medical marijuana on the premises of a licensed child care facility at any time.

Prohibit any individual under the influence of medical marijuana from being on the licensed child care premises at any time.

Clarifies the prohibition on possession and use of illegal controlled substances.

Prohibit consumption of alcohol by any individual in the home during child care hours or when child care children are present.

Clarifies limitations on use of tobacco products, including smokeless tobacco and e-cigarettes.

Rules Coordinator: Cindy Hunt—(503) 947-5651

414-350-0010

Definitions

The following words and terms, when used in OAR 414-350-0000 through 414-350-0405, have the following meanings:

(1) "Activity Area" means the area of the home that is available, during all the hours of operation, for the children's activities. This area excludes the food preparation area of the kitchen, bathrooms, storage areas, and those parts of rooms occupied by heating stoves, furniture and stationary equipment not used by children.

(2) "Attendance" means children actually present in the home at any given time.

(3) "Capacity" means the total number of children allowed in the certified family child care home at any one time, based on the available square footage, the ages of the children to be served and the total number of staff.

(4) "Caregiver" means any person, including the provider, who cares for the children in the certified family child care home and works directly with the children, providing care, supervision and guidance.

(5) "Central Background Registry" means OCC's Registry of individuals who have been approved to work in a child care facility in Oregon pursuant to ORS 657A.030 and OAR 414-061-0000 through 414-061-0120.

(6) "Certificate" means the document that is issued by OCC to a certified family child care home pursuant to ORS 657A.280.

(7) "Certified Family Child Care Home" or "Home" means: a child care facility located in a building constructed as a single family dwelling that has a certificate to care for a maximum of 16 children at any one time.

(8) "Child Care" means the care, supervision, and guidance on a regular basis of a child, unaccompanied by a parent, guardian, or custodian, during a part of the 24 hours of the day, with or without compensation. Child care does not include the care provided:

- (a) In the home of the child;
- (b) By the child's parent or guardian, or person acting in loco parentis;

(c) By a person related to the child by blood or marriage within the fourth degree as determined by civil law;

(d) On an occasional basis by a person, sponsor, or organization not ordinarily engaged in providing child care;

(e) By providers of medical services; or

(f) By a person who is a member of the child's extended family, as determined by the Office of Child Care on a case-by-case basis.

(9) "Child Care Child" means any child six weeks of age or older and under 13 years of age, or a child with special needs under the age of 18 who requires a level of care over and above the norm for his/her age, and for whom the provider has supervisory responsibility in the temporary absence of the parent.

(10) "Child with Special Needs" means a child under the age of 18 who requires a level of care over and above the norm for his/her age due to a physical, developmental, behavioral, mental or medical disability.

(11) "OCC" means the Office of Child Care of the Department of Education or the Administrator or staff of OCC.

(12) "Child Care Facility" means any facility that provides child care to children, including a child care center, certified family child care home, and registered family child care home. It includes those known under a descriptive name, such as nursery school, preschool, kindergarten, child play school, before and after school care, or child development center, except those excluded under ORS 657A.250. This term applies to the total child care operation. It includes the physical setting, equipment, staff, provider, program, and care of children.

(13) "Civil Penalty" means a fine imposed by OCC on a provider for violation of these rules.

ADMINISTRATIVE RULES

(14) "Enrollment" means all children registered to attend the certified family child care home.

(15) "Guidance and Discipline" means the on-going process of helping children develop self control and assume responsibility for their own acts.

(16) "Infant" means a child who is at least 6 weeks of age but is not yet walking alone.

(17) "Night Care" means care given to children who sleep at the home for all or part of the night.

(18) "Nonserious violation" means OCC has made a valid finding when assessing a complaint alleging a violation not listed in OAR 414-350-0010(32).

(19) "Occasional" means infrequently or sporadically, including but not limited to care that is provided during summer or other holiday breaks when children are not attending school, but not to exceed 70 calendar days in a year.

(20) "Operator" means the person responsible for the overall operation of the home and who has the authority to perform the duties necessary to meet certification requirements. In a certified family child care home, the operator is the provider.

(21) "Oregon Registry" means Pathways for Professional Recognition in Childhood Care and Education is a voluntary, statewide program to document and recognize the professional achievements of people who work in the childhood care and education profession.

(22) "Owner" means the person who holds the certified family child care business as property and has a major financial stake in the operation of the home.

(23) "Parent" means parent(s), custodian(s), or guardian(s) exercising physical care and legal custody of the child.

(24) "Potentially hazardous food" means any food or beverage containing milk or milk products, eggs, meat, fish, shellfish, poultry, cooked rice, beans or pasta, and all other previously cooked foods, including leftovers.

(25) "Premises" means the structure that is identified on the application, including indoors and outdoors and space not directly used for child care.

(26) "Preschool Age Child" means a child 36 months of age up to the summer vacation months prior to being eligible to be enrolled in the first grade in public school.

(27) "Program" means all activities and care provided for the children during their hours of attendance at the certified family child care home.

(28) "Provider" means the person in the certified family child care home who is responsible for the children in care, is the children's primary caregiver, and in whose name the certificate is issued. In a certified family child care home, the provider is the operator.

(29) "Qualifying Teaching Experience" means 1,500 hours, gained in at least three-hour blocks, within a 36-month period, with a group of children in an on-going group setting. Such a setting includes a kindergarten, preschool, child care center, certified or registered family child care home, Head Start program, or equivalent. Qualifying teaching experience must be documented. Time spent in a college practicum or practice teaching is considered qualifying teaching experience. The following does not constitute qualifying teaching experience: leader of a scout troop; Sunday school teacher; and coaching.

(30) "Sanitizing" means using a bactericidal treatment that provides enough heat or concentration of chemicals for enough time to reduce the bacterial count, including disease-producing organisms, to a safe level on utensils, equipment, and toys.

(31) "School-Age Child" means a child eligible to be enrolled in the first grade or above in public school including the months of summer vacation prior to being eligible to be enrolled in the first grade, up to age 13.

(32) "Serious complaint" means a complaint filed against a certified child care home by a person who has alleged that:

(a) Children are in imminent danger;
(b) There are more children in care than allowed by certified capacity;

(c) Corporal punishment is being used;
(d) Children are not being supervised;
(e) Multiple or serious fire, health or safety hazards are present in the home;

(f) Extreme unsanitary conditions are present in the home; or
(g) Adults are in the home who are not enrolled in the Central Background Registry.

(33) "Serious Violation" means OCC has made a valid finding when assessing a complaint that alleges:

(a) Children are in imminent danger;
(b) There are more children in care than allowed by law;
(c) Corporal punishment is being used;
(d) Children are not being supervised;
(e) Multiple or serious fire, health or safety hazards are present in the home;

(f) Extreme unsanitary conditions are present in the home; or
(g) Adults are in the home who are not enrolled in the Office of Child Care's Central Background Registry

(34) "Substitute Caregiver" means a person who acts as the children's primary caregiver in the certified family child care home in the temporary absence of the provider.

(35) "Supervision" means the act of caring for a child or group of children. This includes awareness of and responsibility for the ongoing activity of each child. It requires a caregiver to be within sight and/or sound of the children, knowledge of children's needs, and accountability for children's care and well-being. Supervision also requires that staff be near and have ready access to children in order to intervene when needed.

(36) "Toddler" means a child who is able to walk alone but is under 36 months of age. "Younger toddler" means a child who is able to walk alone but is under 24 months of age; "older toddler" means a child who is at least 24 months of age but under 36 months of age.

(37) "Useable Exit" means an unobstructed door or window through which caregivers and children can evacuate the home in case of a fire or emergency. Doors must be able to be opened from the inside without a key, and window openings must be at least 20 inches wide and 22 inches in height, with a net clear opening of 5 square feet and a sill no more than 48 inches above the floor.

Stat. Auth.: ORS 329A.260

Stats. Implemented: ORS chapter 329A

Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CSD 2-1989, f. & cert. ef. 1-25-89; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0705; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 5-1999(Temp), f. 10-21-99, cert. ef. 10-23-99 thru 1-1-00; CCD 10-1999, f. 12-29-99, cert. ef. 1-1-00; CCD 3-2002, f. 10-14-02, cert. ef. 10-15-02; CCD 6-2003, f. 12-23-03, cert. ef. 12-28-03; CCD 7-2003, f. 12-23-03, cert. ef. 12-28-03; CCD 3-2004, f. 7-30-04, cert. ef. 8-1-04; CCD 6-2005(Temp), f. 12-29-05, cert. ef. 1-1-06 thru 6-29-06; CCD 3-2006, f. & cert. ef. 6-13-06; CCD 1-2007(Temp), f. & cert. ef. 3-20-07 thru 9-16-07; CCD 2-2007, f. & cert. ef. 7-13-07; CCD 4-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; CCD 4-2010, f. 6-29-10, cert. ef. 7-1-10; CCD 9-2010, f. 12-29-10, cert. ef. 1-1-11; ELD 8-2014(Temp), f. & cert. ef. 8-7-14 thru 2-3-15

414-350-0030

Issuance of a Child Care Certificate

(1) A certificate shall not be issued by OCC to an applicant who holds a medical marijuana card, grows or uses medical marijuana or distributes medical marijuana.

(2) A certificate shall be issued by OCC when it has been determined the home is in compliance with OAR 414-350-0000 through 414-350-0405. There are two types of certification. These are:

(a) A regular certificate which, except as provided in OAR 414-350-0020(4)(b)(A), is valid for no more than one year; and

(b) A temporary certificate. A certified family child care home may not operate under a temporary certificate for more than 180 days in any 12-month period. A temporary certificate is issued when:

(A) The home is in compliance with most requirements;
(B) There are no deficiencies identified by OCC that are hazardous to children; and

(C) The provider demonstrates an effort to be in full compliance.

(3) A certificate is not transferable to any other location or to another organization or individual.

(4) A certificate is granted in the name of the operator/provider. An operator/provider is limited to one certificate at one address.

(5) An owner can have multiple sites under the following conditions:

(a) If the owner is the provider/operator in one of the homes, the owner can have two certified family child care homes; or

(b) If the owner does not directly care for any children, the owner can have more than two certified family child care homes.

(c) If the owner is the provider/operator in a home certified for more than 12 children, the owner may be the provider for only that certified family child care home. The provider may be the owner of other facilities. See OAR 414-350-0100(5).

(6) Any changes in the conditions of certificate shall be requested in writing to OCC and approved by OCC before the condition(s) of the current certificate may be changed. Changes include, but are not limited to, facility capacity, age range of children, or hours of operation.

Stat. Auth.: ORS 329A.260

Stats. Implemented: ORS 329A

Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0715; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 3-2002,

ADMINISTRATIVE RULES

f. 10-14-02, cert. ef. 10-15-02; CCD 6-2005(Temp), f. 12-29-05, cert. ef. 1-1-06 thru 6-29-06; CCD 3-2006, f. & cert. ef. 6-13-06; CCD 4-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; CCD 4-2010, f. 6-29-10, cert. ef. 7-1-10; CCD 9-2010, f. 12-29-10, cert. ef. 1-1-11; ELD 8-2014(Temp), f. & cert. ef. 8-7-14 thru 2-3-15

414-350-0090

General Requirements

(1) As required by Oregon civil rights law, ORS Chapter 659, the provider shall not discriminate in employment on the basis of race, color, gender, marital status, religion, national origin, age, or because of a mental or physical handicap unrelated to specific job performance.

(2) All caregivers, including the provider, shall:

(a) Have competence, sound judgment, and self-control in working with children;

(b) Be mentally, physically, and emotionally capable of performing duties related to child care; and

(c) Have the required training and/or experience for the positions they hold, as specified in OAR 414-350-0100 and 0110.

(3) If there is evidence that casts doubt on the physical or mental competence of a person to care for children or have access to children, OCC may require that the provider provide OCC with an evaluation or other information, as specified by OCC.

(4) No one shall have access to child care children who has demonstrated behavior that may have a detrimental effect on a child. Residents of the home are considered to have access to the child care children even if they are not generally at home during hours of operation. This does not apply to parents of children in care when they drop off and pick up their children.

(a) The owner, the provider, all caregivers and other residents of the home 18 years of age or older must be enrolled in OCC's Central Background Registry prior to the issuance of an initial or renewal certificate. Residents of the home who are under 18 years of age must be enrolled in the Registry by their 18th birthday. Certification may be denied, suspended, or revoked if the provider or other resident of the home has been removed or suspended from the Central Background Registry.

(b) Prior to any new caregiver caring for children or prior to an individual residing in the home, visiting the home on a regular basis, or substituting for or assisting the provider, the caregiver/individual shall be enrolled in the Central Background Registry and the provider shall receive verification from OCC of the enrollment. This does not apply to parents of children in care unless they are residing in the home or assisting in the provision of child care.

(c) When a provider is notified by OCC that a caregiver or other individual has been removed from the Central Background Registry, the provider shall not permit the caregiver or other individual to be in the home during hours the child care business is conducted or to have access to child care children.

(d) If any person listed in section (4)(a) and (b) of this rule has been charged with, arrested for, or a warrant is out for any of the crimes which OCC has determined indicate behavior which may have a detrimental effect on a child, with final disposition not yet reached, certification may be denied or suspended until the charge, arrest, or warrant has been resolved if the person continues to operate, be employed in or reside in the home, or have access to children in the home.

(e) If a criminal record check shows that a warrant has been issued for any person checked, OCC will inform the originating law enforcement agency of the person's name, employment address and telephone number.

(f) Any visitor to the home or other adult who is not enrolled in the Central Background Registry shall not have unsupervised access to children.

(5) Volunteers must meet the following requirements:

(a) If volunteers are counted in determining the staff/child ratios, they must meet the qualifications of the position they are filling and be enrolled in the Central Background Registry.

(b) If volunteers may have unsupervised access to children, they must be enrolled in the Central Background Registry.

(c) If volunteers do not have unsupervised access to children at any time, including during emergencies, the provider must have a written policy to this effect, the policy must be known to all caregivers and volunteers, and the volunteers do not have to be enrolled in the Central Background Registry.

(6) No person shall smoke or carry any lighted smoking instrument in the certified family child care home or within ten feet of any entrance, exit, window that opens or any ventilation intake that serves an enclosed area, during child care hours or when child care children are present. This includes e-cigarettes. No person shall use smokeless tobacco in the certified

family child care home during child care hours or when child care children are present. No person shall smoke, carry any lighted smoking instrument or use smokeless tobacco in motor vehicles while child care children are passengers. This includes e-cigarettes.

(7) No one shall consume alcohol on the certified family child care home premises during the hours the child care business is conducted or when child care children are present. No one shall be under the influence of alcohol on the family child care home premises during the hours the child care business is conducted or when child care children are present.

(8) Notwithstanding OAR 414-350-0000(6), no one shall possess, use or store illegal controlled substances on the certified family child care home premises. No one shall be under the influence of illegal controlled substances on the certified family child care home premises.

(9) Notwithstanding OAR 414-350-0000(6), no one shall possess, use or store medical marijuana on the premises of the certified family child care home. No one under the influence of medical marijuana shall be on the premises of the certified family child care home.

(10) Notwithstanding OAR 414-350-0000(6), marijuana plants, derivatives and associated paraphernalia shall not be kept on the certified family child care home premises.

Stat. Auth.: ORS 329A.260

Stats. Implemented: ORS 329A

Hist.: CSD 12-1988, f. 6-29-88, cert. ef. 7-1-88; CSD 10-1990, f. & cert. ef. 4-23-90; CSD 4-1991, f. & cert. ef. 3-7-91; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0730; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 3-2002, f. 10-14-02, cert. ef. 10-15-02; CCD 4-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; CCD 4-2010, f. 6-29-10, cert. ef. 7-1-10; CCD 4-2010, f. 6-29-10, cert. ef. 7-1-10; CCD 9-2010, f. 12-29-10, cert. ef. 1-1-11; ELD 8-2014(Temp), f. & cert. ef. 8-7-14 thru 2-3-15

Rule Caption: Amends health and safety standards for registered family care homes

Adm. Order No.: ELD 9-2014(Temp)

Filed with Sec. of State: 8-7-2014

Certified to be Effective: 8-7-14 thru 2-3-15

Notice Publication Date:

Rules Amended: 414-205-0010, 414-205-0035, 414-205-0040, 414-205-0100

Subject: Prohibit individuals who hold a medical marijuana card from being a licensed child care provider.

Prohibit any individual from possessing, storing, or using medical marijuana on the premises of a licensed child care facility at any time.

Prohibit any individual under the influence of medical marijuana from being on the licensed child care premises at any time.

Clarifies the prohibition on possession and use of illegal controlled substances.

Prohibit consumption of alcohol by any individual in the home during child care hours or when child care children are present.

Clarifies limitations on use of tobacco products, including smokeless tobacco and e-cigarettes.

Rules Coordinator: Cindy Hunt—(503) 947-5651

414-205-0010

Definitions

(1) "Caregiver" means any person, including the provider, who cares for the children in the registered family child care home and works directly with the children, providing care, supervision and guidance.

(2) "Central Background Registry" means OCC's Registry of individuals who have been approved to work in a child care facility in Oregon pursuant to ORS 657A.030 and OAR 414-061-0000 through 414-061-0120.

(3) "Child Care" means the care, supervision and guidance on a regular basis of a child, unaccompanied by a parent, guardian or custodian, during a part of the 24 hours of the day, with or without compensation.

(4) "Child Care Child" means any child under 13 years of age, or a child with special needs under the age of 18 who requires a level of care over and above the norm for his/her age, who does not reside in the home and for whom the provider has supervisory responsibility in the temporary absence of the parent.

(5) "Child with Special Needs" means a child under the age of 18 who requires a level of care over and above the norm for his/her age due to a physical, developmental, behavioral, mental or medical disability.

(6) "OCC" means the Office of Child Care of the Department of Education, or the Administrator or staff of OCC.

(7) "Civil Penalty" means a fine imposed by OCC on a provider for violation on these rules.

ADMINISTRATIVE RULES

(8) "Family" means persons related by blood, marriage, or adoption, or whose functional relationship (e.g., parent(s), custodian(s), guardian(s)) in exercising physical care and custody of the child(ren) is similar to those found in such associations.

(9) "Full-Time Child Care" means care provided to children not yet eligible for the first grade or above. One or more children may fill a full-time space in the home as long as the children are not in care at the same time.

(10) "Infant" means a child who is not yet walking.

(11) "New Application" means a registration application that has been filed by an applicant who has never had an active registration.

(12) "Night Care" means care given to a child who sleeps at the family child care home for all or part of the night.

(13) "Nonserious violation" means OCC has made a valid finding when assessing a complaint alleging a violation not listed in OAR 414-205-0010(25).

(14) "Occasional" means infrequently or intermittently, including but not limited to care that is provided during summer or other holiday breaks when children are not attending school, but not to exceed 70 calendar days in a year.

(15) "Oregon Registry" means the voluntary registry at the Oregon Center for Career Development in Childhood Care and Education at Portland State University that documents the training, education and experience of individuals who work in childhood care and education.

(16) "Part-Time Child Care" means care provided to a child who meets the definition of a school-age child and is in care on days and hours school is not in session.

(17) "Premises" means the structure that is identified on the application, including indoors and outdoors and space not directly used for child care.

(18) "Preschool-Age Child" means a child 24 months of age to eligible to be enrolled in the first grade and, during the months of summer vacation from school, eligible to be enrolled in the first grade in the next school year.

(19) "Provider" means a resident of the registered family child care home who is responsible for the children in care; is the children's primary caregiver; and the person whose name is on the certificate of registration.

(20) "Registered Family Child Care Home" means the residence of the provider, who has a current Family Child Care Registration at that address and who provides care in the family living quarters.

(21) "Registration" means the document a family child care provider is issued by the Office of Child Care to operate a family child care home where care is provided in the family living quarters of the provider's home pursuant to ORS 657A.330 and OAR 414-205-0000 through 414-205-0170. Registration is limited to one provider at one address.

(22) "Renewal Application" means a registration application that has been filed by a currently registered family child care provider who wishes to continue registration.

(23) "Reopen Application" means a registration application that has been filed by an applicant whose registration is expired or closed, including those closures resulting from an address change.

(24) "School-Age Child" means a child eligible to be enrolled in the first grade or above and, during the months of summer vacation from school, a child eligible to be enrolled in the first grade or above in the next school year, up to age 13.

(25) "Serious Complaint" means a complaint filed against:

(a) A registered family child care provider by a person who has alleged that:

- (A) Children are in imminent danger;
- (B) There are more children in care than allowed by law;
- (C) Corporal punishment is being used;
- (D) Children are not being supervised;
- (E) Multiple or serious fire, health or safety hazards are present in the home;

(F) Extreme unsanitary conditions are present in the home; or

(G) Adults are in the home who are not enrolled in the Office of Child Care's Central Background Registry; or

(b) An individual providing child care, as defined by ORS 657A.250(4), who is not a registered family child care provider by a person who has alleged that there are more children in care than allowed by law.

(26) "Serious Violation" means OCC has made a valid finding when assessing a serious complaint that alleges:

- (a) Children are in imminent danger;
- (b) There are more children in care than allowed by law;
- (c) Corporal punishment is being used;

(d) Children are not being supervised;

(e) Multiple or serious fire, health or safety hazards are present in the home;

(f) Extreme unsanitary conditions are present in the home; or

(g) Adults are in the home who are not enrolled in the Office of Child Care's Central Background Registry; or

(h) An individual is providing child care as defined by ORS 657A.250(4) without registering with the Office of Child Care of the Department of Education.

(27) "Substitute Caregiver" means a person who acts as the children's primary caregiver in the registered family child care home in the temporary absence of the provider.

(28) "Usable Exit" means an unobstructed door or window through which the provider and the children can evacuate the home in case of a fire or emergency. Doors must be able to be opened from the inside without a key, and window openings must be at least 20 inches wide and 22 inches in height, with a net clear opening of 5 square feet and a sill no more than 48 inches above the floor.

Stat. Auth.: ORS 329A.260

Stats. Implemented: ORS 329A

Hist.: CCD 2-1994, f. 7-15-94, cert. ef. 8-15-94; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 3-1999(Temp), f. 10-21-99, cert. ef. 10-23-99 thru 1-1-00; CCD 7-1999, f. 12-29-99, cert. ef. 1-1-00; CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 5-2001, f. 11-2-01, cert. ef. 11-4-01; CCD 1-2007(Temp), f. & cert. ef. 3-20-07 thru 9-16-07; CCD 2-2007, f. & cert. ef. 7-13-07; CCD 2-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; CCD 2-2010, f. 6-29-10, cert. ef. 7-1-10; ELD 9-2014(Temp), f. & cert. ef. 8-7-14 thru 2-3-15

414-205-0035

General Requirements

(1) The home in which child care is provided must be the residence of the provider.

(2) The provider may not hold a medical marijuana card, grow or use medical marijuana, or be a distributor of medical marijuana.

(3) Registration is limited to one provider per household.

(4) A registration applies to only the person and address on the certificate of registration and is not transferable to another location or individual.

(5) The registration is valid for a maximum of two years. The registration period begins with the effective date shown on the certificate of registration. A provider may not care for more than three (3) children, other than the provider's own children, at any one time prior to receiving a certificate of registration from OCC.

(6) OCC registration records are open to the public on request. However, information protected by state or federal law will not be disclosed.

(7) The name, address, telephone number, and registration status of providers is public information. However, OCC may withhold from the public a provider's address and telephone number if the provider makes a written request documenting that disclosure of the address and/or telephone number would endanger him/her or a family member living in the home (OAR 137-004-0800). The request must be on a form supplied by OCC.

(8) The Certificate of Registration must be posted in the family child care home in an area where it can be viewed by parents.

(9) The provider shall have no other employment, either in or out of the home, during the hours children are in care.

(10) The provider must allow custodial parents or legal guardians of child care children access to the home during the hours their child(ren) are in care.

(11) The provider must comply with state and federal laws related to immunizations, child care restrictable diseases, child safety systems and seat belts in vehicles, bicycle safety, civil rights laws, and the Americans with Disabilities Act.

(12) Any caregiver who has reason to believe that any child has suffered abuse (physical injury, mental injury, neglect that leads to physical harm, sexual abuse and/or exploitation, or threat of harm) must report the information to the Department of Human Services Child Welfare (DHS) or to a law enforcement agency. By statute, this requirement applies 24 hours per day.

(13) The provider must notify parents if there will be a substitute caregiver and the caregiver's name or if the children will be away from the home for any part of the day for visits, field trips, or any other activity off the premises. In the event of an emergency, a good faith effort will be made to notify parents that a substitute will be caring for the children.

(14) If an applicant or a provider provides or wishes to provide adult or child foster care, the foster care licensing agency must grant approval for the applicant to provide both child care and foster care services.

Stat. Auth.: ORS 329A.260

Stats. Implemented: ORS 329A

ADMINISTRATIVE RULES

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 1-2007(Temp), f. & cert. ef. 3-20-07 thru 9-16-07; CCD 2-2007, f. & cert. ef. 7-13-07; CCD 2-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; ELD 9-2014(Temp), f. & cert. ef. 8-7-14 thru 2-3-15

414-205-0040

The Provider and Other Persons in the Home

(1) The registered provider and any substitute caregiver shall:

(a) Be at least 18 years old,

(b) Have competence, sound judgment and self-control when working with children, and

(c) Be mentally, physically and emotionally capable of performing duties related to child care.

(2) No one shall have access to child care children who has demonstrated behavior that may have a detrimental effect on a child. Residents of the home are considered to have access to the child care children even if they are not generally at home during child care hours.

(a) The applicant and other residents of the home 18 years of age or older must be enrolled in OCC Central Background Registry prior to the issuance of a registration. Residents of the home who are under 18 years of age must be enrolled in the Registry by their 18th birthday.

(b) Prior to another adult moving into the home, residing on a temporary basis in the home, visiting the home on a regular basis, or substituting for or assisting the provider, the provider must receive documentation from OCC that the individual is enrolled in the Central Background Registry. This does not apply to parents of children in care unless they are residing in the home or substituting for or assisting the provider.

(c) If additional information is needed to assess a person's ability to care for children or to have access to children, OCC may require references, an evaluation by a physician, counselor, or other qualified person, or other information.

(d) Any visitor to the home or other adult who is not enrolled in the Central Background Registry may not have unsupervised access to children.

(3) A caregiver substituting for the provider must:

(a) Be familiar with the requirements for registration and agree to comply with them;

(b) Be enrolled in the Central Background Registry prior to substituting for the provider; and

(c) Comply with all the requirements, except those in OAR 414-205-0055, placed on the provider in these rules.

Stat. Auth.: ORS 329A.260

Stats. Implemented: ORS 329A

Hist.: CCD 2-1994, f. 7-15-94, cert. ef. 8-15-94; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 2-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; CCD 2-2010, f. 6-29-10, cert. ef. 7-1-10; ELD 9-2014(Temp), f. & cert. ef. 8-7-14 thru 2-3-15

414-205-0100

Health

(1) The home must be a healthy environment for children.

(a) No person shall smoke or carry any lighted smoking instrument, including e-cigarettes in the family child care home or within ten feet of any entrance, exit, window that opens or any ventilation intake that serves an enclosed area, during child care hours or when child care children are present. No person shall use smokeless tobacco in the family child care home during child care hours or when child care children are present. No person shall smoke, carry any lighted smoking instrument, e-cigarettes or use smokeless tobacco in motor vehicles while child care children are passengers.

(b) No one shall consume alcohol on the family child care home premises during child care hours or when child care children are present. No one shall be under the influence of alcohol on the family child care home premises during child care hours or when child care children are present.

(c) Notwithstanding OAR 414-205-0000(5), no one shall possess, use or store illegal controlled substances on the family child care home premises. No one shall be under the influence of illegal controlled substances on the family child care home premises.

(d) Notwithstanding OAR 414-205-0000(5), no one shall possess, use or store medical marijuana on the premises of the family child care home. No one under the influence of medical marijuana shall be on the family child care home premises.

(e) Notwithstanding OAR 414-205-0000(5), marijuana plants, derivatives and associated paraphernalia shall not be kept on the family child care home premises.

(f) There must be at least one flush toilet and one hand-washing sink available to children. Steps or blocks must be available to ensure children can use the toilet and sink without assistance.

(g) The room temperature must be at least 68°F during the hours the child care business is conducted.

(h) Rooms occupied by children must have a combination of natural and artificial lighting.

(i) Floors must be free of splinters, large unsealed cracks, sliding rugs and other hazards.

(2) The provider must have a basic first aid kit available for use. The kit must be kept out of the reach of children.

(3) Infants must be put to sleep on their backs.

(4) Except for mild cold symptoms that do not impair a child's function, children who are ill shall not be in care.

(5) If a child becomes ill in child care, the provider must separate the child from other children, to the extent possible, and contact the child's parent(s) to remove the child from care as soon as possible.

(6) Parents must be notified if their child is exposed to a communicable disease.

(7) Prescription and non-prescription medication may be given to a child only if the provider has written authorization from the parent, as required in OAR 414-205-0130(3).

(8) Prescription and non-prescription medications must be properly labeled and stored.

(a) Non-prescription medications or topical substances must be labeled with the child's name.

(b) Prescription medications must be in the original container and labeled with the child's name, the name of the drug, dosage, directions for administering, and the physician's name.

(c) Medication requiring refrigeration must be kept in a separate, covered container, marked "medication," in the refrigerator.

(9) Sunscreen is considered a non-prescription medication and may be used for child care children under the following conditions:

(a) Providers must obtain written parental authorization prior to using sunscreen.

(b) One container of sunscreen may be used for child care children unless a parent supplies an individual container for their child. The sunscreen shall be applied in a manner that prevents contaminating the container.

(A) Parents must be informed of the type of product and the sun protective factor (SPF).

(B) Parents must be given the opportunity to inspect the product and active ingredients.

(c) If sunscreen is supplied for an individual child care child, the sunscreen must be labeled with the child's first and last name and must be used for only that child.

(d) Providers must reapply sunscreen every two hours while the child care children are exposed to the sun.

(e) Providers shall use a sunscreen with an SPF of 15 or higher and must be labeled as "Broad Spectrum".

(f) Providers shall not use aerosol sunscreens on child care children.

(g) Sunscreen shall not be used on child care children younger than six months.

(h) Child care children over six years of age may apply sunscreen to themselves under the direct supervision of the provider or staff member.

(10) Parents must be informed daily of any medications given to their child or any injuries their child has had.

(11) The provider must provide or ensure the availability of meals and snacks appropriate for the ages and needs of the children served.

(a) Meals and snacks must be based on the guidelines of the USDA Child Care Food Program.

(b) Foods must be stored and maintained at the proper temperature.

(c) Foods must be prepared and served according to the minimum standards for food handler certification.

(d) Infants must either be held or be fed sitting up for bottle feeding. Propping bottles is prohibited.

(12) Any animal at the family child care home must be in good health and be a friendly companion for the children in care.

(a) Potentially aggressive animals must not be in the same physical space as the children.

(b) Dogs and cats must be vaccinated according to a licensed veterinarian's recommendations.

(13) Animal litter boxes shall not be located in areas accessible to children.

ADMINISTRATIVE RULES

(14) Caregivers must be physically present when children are interacting with animals.

(15) Reptiles (e.g. lizards, turtles, snakes, iguanas) frogs, monkeys, hooked beaked birds, baby chicks and ferrets are prohibited unless they are housed in and remain in a tank or other container which precludes any direct contact by children. Educational programs that include prohibited animals and are run by zoos, museums and other professional animal handlers are permitted.

(16) Parents must be made aware of the presence of any animals in the child care home.

Stat. Auth.: ORS 329A.260
Stats. Implemented: ORS 329A
Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 1-2008(Temp), f. & cert. ef. 8-6-08 thru 2-2-09; CCD 3-2008, f. & cert. ef. 10-2-08; CCD 2-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; Administrative correction 7-27-10; CCD 7-2010, f. 12-29-10, cert. ef. 1-1-11; CCD 1-2012(Temp), f. & cert. ef. 6-12-12 thru 11-6-12; CCD 2-2012, f. 9-28-12, cert. ef. 10-10-12; ELD 9-2014(Temp), f. & cert. ef. 8-7-14 thru 2-3-15

Rule Caption: Health and safety standards relating to certified child care centers

Adm. Order No.: ELD 10-2014(Temp)

Filed with Sec. of State: 8-7-2014

Certified to be Effective: 8-7-14 thru 2-3-15

Notice Publication Date:

Rules Amended: 414-300-0005, 414-300-0015, 414-300-0070

Subject: Prohibit individuals who hold a medical marijuana card from being a licensed child care provider.

Prohibit any individual from possessing, storing, or using medical marijuana on the premises of a licensed child care facility at any time.

Prohibit any individual under the influence of medical marijuana from being on the licensed child care premises at any time.

Clarifies the prohibition on possession and use of illegal controlled substances.

Prohibit consumption of alcohol by any individual in the home during child care hours or when child care children are present.

Clarifies limitations on use of tobacco products, including smokeless tobacco and e-cigarettes.

Rules Coordinator: Cindy Hunt—(503) 947-5651

414-300-0005

Definitions

The following words and terms, when used in OAR 414-300-0000 through 414-300-0415, have the following meanings:

(1) "Activity Area" means the area of the center that is available, during all the hours of operation, for the children's activities. This area excludes kitchens, hallways, toilet rooms, multi-purpose areas used by all children, lockers, office, storage areas, isolation quarters, staff room, furnace room, and that part of rooms occupied by heating stoves, or stationary equipment not used by children. Additional exclusions may apply for specific age groups.

(2) "Attendance" means children actually present in the center at any given time.

(3) "Capacity" means the total number of children allowed in the center at any one time, based on the available indoor and outdoor square footage, the number of toilets in the center and the number of qualified staff.

(4) "Caregiver" means any person in the child care center who works directly with the children, providing care, supervision, and guidance.

(5) "Central Background Registry" means OCC's Registry of individuals who have been approved to work in a child care facility in Oregon pursuant to ORS 657A.030 and OAR 414-061-0000 through 414-061-0120.

(6) "Certificate" means the document that is issued by OCC to a child care center pursuant to ORS 657A.280.

(7) "Child Care" means the care, supervision, and guidance on a regular basis of a child, unaccompanied by a parent, guardian, or custodian, during a part of the 24 hours of the day, with or without compensation. Child care does not include the care provided:

(a) In the home of the child;

(b) By the child's parent or guardian, or person acting in loco parentis;

(c) By a person related to the child by blood or marriage within the fourth degree as determined by civil law;

(d) On an occasional basis by a person, sponsor, or organization not ordinarily engaged in providing child care; or

(e) By providers of medical services.

(8) "Child Care Area" means that indoor and outdoor area specifically certified for use by the center and includes all activity areas and other areas of the facility used to provide child care, such as kitchen, toilet rooms, offices, storage areas, and rooms used solely for napping or eating. This may be a specific portion or portions of the building and grounds of a larger facility or one or more buildings at the same location.

(9) "Child Care Child" means any child six weeks of age or older and under 13 years of age, or a child with special needs under the age of 18 who requires a level of care over and above the norm for his/her age, for whom the child care center has supervisory responsibility in the temporary absence of the parent.

(10) "Child Care Center" or "Center" means a child care facility that is certified to care for thirteen or more children, or a facility that is certified to care for twelve or fewer children and located in a building constructed as other than a single family dwelling.

(11) "Child with Special Needs" means a child under the age of 18 who requires a level of care over and above the norm for his/her age due to a physical, developmental, behavioral, mental or medical disability.

(12) "OCC" means the Office of Child Care of the Department of Education or the Administrator or staff of the Office of Child Care.

(13) "Child Care Facility" means any facility that provides child care to children, including a child care center, certified family child care home, and registered family child care home. It includes those known under a descriptive name, such as nursery school, preschool, kindergarten, child play school, before or after school care, or child development center, except those excluded under ORS 657A.250. This term applies to the total child care operation and includes the physical setting, administration, staff, equipment, program, and care of children.

(14) "Civil Penalty" means a fine imposed by OCC on a facility for violation of these rules.

(15) "Comparable group care program" means a program which has the following elements:

(a) Staff are supervised by knowledgeable professionals;

(b) Training of staff is provided or required annually;

(c) Group size is similar to a certified child care facility;

(d) Curriculum is age appropriate; and

(e) The program is not providing uncertified drop-in care.

(16) "Contracted services" means activities (e.g., tumbling, music) provided by an organization or program other than the center, where non-center staff come into the center or the children are transported to another location.

(17) "Director" means a person who is designated by the operator as director or administrator of the center and who meets the qualifications of director pursuant to OAR 414-300-0080.

(18) "Drop-in Care" means care provided on an unscheduled, irregular basis, any time of the day or night, exclusively for drop-in children in a child care center.

(19) "Enrollment" means all children registered to attend the center.

(20) "Group" means a specific number of children assigned to specific staff.

(21) "Guidance and discipline" means the on-going process of helping children develop self control and assume responsibility for their own acts.

(22) "Head Teacher" means the person(s) who is responsible for the development and implementation of the program of activities for each infant and toddler, preschool age, and school-age program in the center.

(23) "Infant" means a child who is at least six weeks of age but is not yet walking alone.

(24) "Infant and Toddler Age Program" means care and education provided in a center, or part of a center, to children between the ages of six weeks and thirty-six months.

(25) "Night Care" means care given to children who sleep at the child care center for all or part of the night.

(26) "Nonserious Violation" means OCC has made a valid finding when assessing a complaint alleging a violation not listed in OAR 414-300-0005(42)

(27) "Occasional" means infrequently or sporadically, including but not limited to care that is provided during summer or other holiday breaks when children are not attending school, but not to exceed 70 calendar days in a year.

(28) "Operator" means the person, group, corporation, partnership, governing body, association, or other public or private organization legally responsible for the overall operation of the center and who has the authority to perform the duties necessary to meet certification requirements. If the

ADMINISTRATIVE RULES

operator is other than the owner, an individual must be appointed as the operator by the owner.

(29) "Oregon Registry" means the voluntary registry at the Oregon Center for Career Development in Childhood Care and Education at Portland State University that documents the training, education and experience of individuals who work in childhood care and education.

(30) "Outbreak of a communicable disease" means two cases from separate households associated with a suspected common source.

(31) "Owner" means the person, group, corporation, partnership, governing body, association, or other public or private organization which holds the child care center as property and has a major financial stake in the operation of the center. The owner may or may not be active in the operation of the center; the owner may also be the operator.

(32) "Parent" means parent(s), custodian(s), or guardian(s), exercising physical care and legal custody of the child.

(33) "Parent cooperative" means a child care program in which:

- (a) Care is provided by parents on a rotating basis;
- (b) Membership in the cooperative includes parents;
- (c) There are written policies and procedures; and

(d) A board of directors that includes parents of the children cared for by the cooperative controls the policies and procedures of the program.

(34) "Premises" means the structure that is identified on the application, including indoors and outdoors and space not directly used for child care.

(35) "Preschool-Age Child" means a child who is 36 months of age to eligible to be enrolled in the first grade and, during the months of summer vacation from school, eligible to be enrolled in the first grade in the next school year. For purposes of these rules, children attending kindergarten may be considered school-age children.

(36) "Preschool-Age Program" means care and education provided in a center, or part of a center, to children 36 months of age to attending kindergarten.

(37) "Program" means all activities and care provided for the children during their hours of attendance at the center.

(38) "Qualifying Teaching Experience" means:

(a) For infant/toddler and preschool age groups, 1,500 hours, gained with a group of the same age children in at least three-hour blocks, within a 36-month period;

(b) For school-age groups, 600 hours, gained with a group of the same age children in at least three-hour blocks, within a 36-month period. Qualifying teaching experience must be documented. Time spent in a college practicum or practice teaching is considered qualifying teaching experience. The following does not constitute qualifying teaching experience: leader of a scout troop; Sunday school teacher; and coaching.

(39) "Sanitizing" means using a bactericidal treatment that provides enough heat or concentration of chemicals for enough time to reduce the bacterial count, including disease-producing organisms, to a safe level on utensils, equipment, and toys.

(40) "School-Age Child" means a child eligible to be enrolled in the first grade or above and, during the months of summer vacation from school, a child eligible to be enrolled in the first grade or above in the next school year, up to age 13. For purposes of these rules, children attending kindergarten may be considered school-age children.

(41) "School-Age Program" means care and education provided in a center, part of a center, school or other facility to children attending kindergarten or eligible to be enrolled in the first grade or above and, during the months of summer vacation from school, eligible to be enrolled in the first grade or above in the next school year.

(42) "Serious complaint" means a complaint filed against:

(a) A certified child care center by a person who has alleged that:

- (A) Children are in imminent danger;
- (B) There are more children in care than allowed by certified capacity;

(C) Corporal punishment is being used;

(D) Children are not being supervised;

(E) Multiple or serious fire, health or safety hazards are present in the center;

(F) Extreme unsanitary conditions are present in the center; or

(G) Adults are in the center who are not enrolled in the Central Background Registry; or

(b) A facility providing child care, as defined ORS 657A.250(3), which is not a certified child care center by a person who has alleged that there are more children in care than allowed by law.

(43) "Serious Violation" means OCC has made a valid finding when assessing a complaint that alleges:

(a) Children are in imminent danger;

(b) There are more children in care than allowed by law;

(c) Corporal punishment is being used;

(d) Children are not being supervised;

(e) Multiple or serious fire, health or safety hazards are present in the home;

(f) Extreme unsanitary conditions are present in the center;

(g) Adults are in the center who are not enrolled in the Central Background Registry; or

(h) A facility is providing child care as defined in ORS 657A.250(4) which is not a certified child care center, by a person who has alleged that there are more children in care than allowed by law.

(44) "Site Director/Supervisor" means the person in charge of the facility at a site which is part of a larger multi-site program.

(45) "Site Coordinator" means the person responsible for coordinating over-all management and operation of a number of sites in a multi-site program.

(46) "Staff" means an individual who is the director, an employee, or a volunteer who is in the center for more than a single activity.

(47) "Substitute Director" means the person in charge of the center during the hours of operation when the director is not on site.

(48) "Supervision" means the act of caring for a child or group of children. This includes awareness of and responsibility for the ongoing activity of each child. It requires physical presence, knowledge of program requirements and children's needs, and accountability for their care and well-being. Supervision also requires that staff be near and have ready access to children in order to intervene when needed.

(49) "Teacher" means a caregiver who plans and implements daily activities for a designated group of children and who meets the qualifications of teacher pursuant to OAR 414-300-0100.

(50) "Teacher Aide" means a caregiver who works under the direct supervision of a teacher and who meets the qualifications of Aide I or Aide II pursuant to OAR 414-300-0110.

(51) "Toddler" means a child who is able to walk alone but is under 36 months of age. "Younger toddler" means a child who is able to walk alone but is under 24 months of age; "older toddler" means a child who is 24 months of age but under 36 months of age.

(52) "Usable Exit" means an unobstructed door or window through which caregivers and children can evacuate the center in case of a fire or emergency. Doors must be able to be opened from the inside without a key, and window openings must be at least 20 inches wide and 22 inches in height, with a net clear opening of 5 square feet and a sill no more than 48 inches above the floor.

Stat. Auth.: ORS 329A.260

Stats. Implemented: ORS 329A

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0605; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 4-1999(Temp), f. 10-21-99, cert. ef. 10-23-99 thru 1-1-00; CCD 9-1999, f. 12-29-99, cert. ef. 1-1-00; CCD 4-2001, f. 7-13-01, cert. ef. 7-15-01; CCD 6-2003, f. 12-23-03, cert. ef. 12-28-03; CCD 1-2007(Temp), f. & cert. ef. 3-20-07 thru 9-16-07; CCD 2-2007, f. & cert. ef. 7-13-07; CCD 3-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; CCD 3-2010, f. 6-29-10, cert. ef. 7-1-10; CCD 8-2010, f. 12-29-10, cert. ef. 1-1-11; ELD 10-2014(Temp), f. & cert. ef. 8-7-14 thru 2-3-15

414-300-0015

Issuance of a Child Care Certificate

(1) A certificate shall not be issued by OCC to an applicant who holds a medical marijuana card, grows or uses medical marijuana or distributes medical marijuana.

(2) A certificate shall be issued by OCC when it has been determined the center is in compliance with OAR 414-300-0000 through 414-300-0415. There are two types of certifications. These are:

(a) A regular certificate, which, except as provided in OAR 414-300-0010(4)(b)(A), is valid for no more than one year; and

(b) A temporary certificate. A child care center may not operate under a temporary certification for more than 180 days in any 12-month period. A temporary certificate is issued when:

(A) The center is in compliance with most requirements;

(B) There are no deficiencies identified by OCC that are hazardous to children; and

(C) The operator demonstrates an effort to be in full compliance.

(3) A certificate is not transferable to any other location or to another organization or individual.

(4) Any changes in the conditions of certificate shall be requested in writing to OCC and approved by OCC before the condition(s) of the current certificate may be changed. Changes include, but are not limited to, facility capacity, age range of children, or hours of operation.

Stat. Auth.: ORS 329A.260

ADMINISTRATIVE RULES

Stats. Implemented: ORS 329A
Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0615; CCD 4-2001, f. 7-13-01, cert. ef. 7-15-01; CCD 3-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; CCD 3-2010, f. 6-29-10, cert. ef. 7-1-10; CCD 8-2010, f. 12-29-10, cert. ef. 1-1-11; ELD 10-2014(Temp), f. & cert. ef. 8-7-14 thru 2-3-15

414-300-0070

General Requirements

(1) The operator shall establish a system of job descriptions, staff selection, and staff evaluation. All caregivers shall:

(a) Have competence, sound judgment, and self-control in working with children;

(b) Be mentally, physically, and emotionally capable of performing duties related to child care; and

(c) Have the required training and/or experience for the position for which they are hired.

(2) There shall be a person or persons on the staff who meet(s) the qualifications of director (OAR 414-300-0080) and head teacher (OAR 414-300-0090). A person assigned the duties of the position must meet the qualifications of the position.

(3) Notwithstanding OAR 414-300-0120(3), there shall be at least one person in the center at all times who has current certification in first aid and CPR.

(4) Any staff with evidence of a child care-restrictable disease, as defined in OAR 333-019-0010, symptom of physical illness, as defined in OAR 414-300-0220(1), or mental incapacity that poses a threat to the health or safety of children shall be relieved of his/her duties.

(5) If there is evidence which casts doubt on the physical or mental competence of a person to care for children or have access to children, OCC may require that the operator provide OCC with an evaluation, or other information, as specified by OCC.

(6) No one shall have access to child care children or be in the center during child care hours who has demonstrated behavior that may have a detrimental effect on a child. This includes any individual in the center who has or may have unsupervised access, however brief, to child care children (i.e., the owner, the operator, all child care staff, maintenance staff who work on-site during hours of operation, volunteers who may be left alone with children, etc.). This does not apply to parents of children in care when they drop off and pick up their children:

(a) The operator, all child care staff and others as described in section (6) above 18 years of age or older shall be enrolled in OCC's Central Background Registry prior to the issuance of an initial or renewal certification;

(b) Prior to any new staff, including a director, or individual being on-site at the center during child care hours, the staff/individual shall be enrolled in the Central Background Registry and the center shall receive verification from OCC of the enrollment. This does not apply to parents of children in care unless they are assisting in the provision of child care. Volunteers may be exempt from this rule, as specified in OAR 414-300-0070(7);

(c) When a center is notified by OCC that a staff member or other individual has been removed from the Central Background Registry, the center shall not permit the staff member or other individual to have access to child care children;

(d) If any person listed in section (6) and section (6)(a) of this rule has been charged with, arrested for, or a warrant is out for any of the crimes which OCC has determined indicate behavior which may have a detrimental effect on a child, with final disposition not yet reached, certification will be denied or suspended until the charge, arrest, or warrant has been resolved if the person continues to operate, be employed in, or have access to children in the center;

(e) If a criminal record check shows that a warrant has been issued for any person checked, OCC will inform the originating law enforcement agency of the person's name, address, and telephone number.

(7) Alcohol shall not be consumed or stored on the child care center premises during the hours the child care business is conducted or when child care children are present. No one shall be under the influence of alcohol on the child care center premises during the hours the child care business is conducted or when child care children are present.

(8) No one shall possess, use or store illegal controlled substances on the child care center premises. No one shall be under the influence of illegal controlled substances on the child care center premises.

(9) No one shall possess, use or store medical marijuana on the premises of the child care center. No one under the influence of medical marijuana shall be on the child care center premises.

(10) Marijuana plants, derivatives and associated paraphernalia shall not be kept on the child care center premises.

(11) Volunteers must meet the following requirements:

(a) If volunteers are counted in determining the staff/child ratios, they must meet the qualifications of the position they are filling and be enrolled in the Central Background Registry;

(b) If volunteers may have unsupervised access to children, they must be enrolled in the Central Background Registry;

(c) If volunteers do not have unsupervised access to children at any time, including during emergencies, the center must have a written policy to this effect, the policy must be known to all center staff and volunteers, and the volunteers do not have to be enrolled in the Central Background Registry.

(12) No person shall smoke or carry any lighted smoking instrument, including e-cigarettes in the child care area or within ten feet of any entrance, exit, window that opens or any ventilation intake that serves an enclosed area, during child care hours or when child care children are present. No person shall use smokeless tobacco in the certified center during child care hours or when child care children are present. No person shall smoke, carry any lighted smoking instrument, e-cigarettes or use smokeless tobacco in motor vehicles while child care children are passengers.

Stat. Auth.: ORS 329A.260

Stats. Implemented: ORS 329A

Hist.: CSD 21-1988, f. & cert. ef. 9-29-88; CSD 10-1990, f. & cert. ef. 4-23-90; CSD 4-1991, f. & cert. ef. 3-7-91; CSD 8-1991, f. & cert. ef. 7-1-91; CCD 1-1994, f. & cert. ef. 1-12-94; Renumbered from 412-010-0630; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 4-2001, f. 7-13-01, cert. ef. 7-15-01; CCD 2-2007, f. & cert. ef. 7-13-07; CCD 3-2009(Temp), f. 12-30-09, cert. ef. 1-1-10 thru 6-30-10; CCD 3-2010, f. 6-29-10, cert. ef. 7-1-10; ELD 10-2014(Temp), f. & cert. ef. 8-7-14 thru 2-3-15

Oregon Health Authority, Division of Medical Assistance Programs Chapter 410

Rule Caption: Transferring and Renumbering AMH rules from OAR 309-016 to DMAP OAR 410-172

Adm. Order No.: DMAP 48-2014

Filed with Sec. of State: 8-1-2014

Certified to be Effective: 8-1-14

Notice Publication Date:

Rules Renumbered: 309-016-0600 to 410-172-0000, 309-016-0605 to 410-172-0010, 309-016-0610 to 410-172-0020, 309-016-0615 to 410-172-0030, 309-016-0620 to 410-172-0040, 309-016-0625 to 410-172-0050, 309-016-0630 to 410-172-0060, 309-016-0635 to 410-172-0070, 309-016-0640 to 410-172-0080, 309-016-0645 to 410-172-0090, 309-016-0650 to 410-172-0100, 309-016-0660 to 410-172-0110, 309-016-0665 to 410-172-0120, 309-016-0670 to 410-172-0130, 309-016-0675 to 410-172-0140, 309-016-0680 to 410-172-0150, 309-016-0685 to 410-172-0160, 309-016-0690 to 410-172-0170, 309-016-0695 to 410-172-0180, 309-016-0700 to 410-172-0190, 309-016-0705 to 410-172-0200, 309-016-0710 to 410-172-0210, 309-016-0715 to 410-172-0220, 309-016-0720 to 410-172-0230, 309-016-0725 to 410-172-0240, 309-016-0726 to 410-172-0250, 309-016-0727 to 410-172-0260, 309-016-0729 to 410-172-0270, 309-016-0730 to 410-172-0280, 309-016-0735 to 410-172-0290, 309-016-0740 to 410-172-0300, 309-016-0745 to 410-172-0310, 309-016-0750 to 410-172-0320, 309-016-0755 to 410-172-0330, 309-016-0760 to 410-172-0340, 309-016-0765 to 410-172-0350, 309-016-0770 to 410-172-0360, 309-016-0775 to 410-172-0370, 309-016-0780 to 410-172-0380, 309-016-0801 to 410-172-0390, 309-016-0806 to 410-172-0400, 309-016-0811 to 410-172-0410, 309-016-0816 to 410-172-0420, 309-016-0821 to 410-172-0430, 309-016-0825 to 410-172-0440, 309-016-0830 to 410-172-0450, 309-016-0835 to 410-172-0460, 309-016-0837 to 410-172-0470, 309-016-0840 to 410-172-0480, 309-016-0845 to 410-172-0490, 309-016-0850 to 410-172-0500, 309-016-0855 to 410-172-0510

Subject: The Division of Medical Assistance Programs is receiving rules from chapter 309-016-0600 through 309-016-0855, Addictions and Mental Health Division: Mental Health Services, and will renumber these rules chapter 410-172-0000 through 410-172-0510, Behavioral Mental Health.

Rules Coordinator: Sandy Cafourek—(503) 945-6430

ADMINISTRATIVE RULES

410-172-0000

Scope

These rules specify standards for authorized appropriate reimbursement of Medicaid or State Children's Health Plan funded addictions and mental health services and supports. This includes payments for community-based services as well as those payments made for acute inpatient services in a general medical setting or a freestanding facility meeting the federal definition as an institute for mental disease reimbursed as a result of a request for payment. The requirements set forth here in OAR 309-016-0600 through 309-016-0820 and referenced rules must be met in order for Medicaid payment to have been made appropriately.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; MHS 14-2011(Temp), f. 12-29-11, cert. ef. 1-1-12 thru 6-28-12; MHS 10-2012, f. & cert. ef. 6-19-12; MHS 12-2012(Temp), f. 6-27-12, cert. ef. 7-1-12 thru 12-27-12; MHS 14-2012, f. & cert. ef. 11-5-12; Renumbered from 309-016-0600, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0010

Definitions

(1) "Action" means:

(a) The denial, limitation or restriction of a requested covered services including the type or level of service;

(b) The reduction, suspension or termination of a previously authorized service; or

(c) The failure to provide services in a timely manner, as defined by the Addictions and Mental Health Division of the Oregon Health Authority.

(2) "Active Treatment" means a service provided as prescribed in a professionally developed and supervised Individual Services and Supports Plan to address or improve a condition.

(3) "Addictions and Mental Health Division" means the Division of the Oregon Health Authority responsible for the administration of addictions and mental health services provided in Oregon or to its residents.

(4) "Allowable Cost" means the cost of treatment services based on cost finding principles found in the appropriate OMB Circular such as "Cost Principles for Non-Profit Organization" (OMB Circular A-122) or "Cost Principles for State, Local, and Indian Tribal Governments" (OMB Circular A-87) and including allowable costs incurred for interest on the acquisition of buildings and improvements thereon.

(5) "Appeal" means a request by an Individual or their representative to review an Action as defined in this rule.

(6) "Assertive Community Treatment" (ACT) means an evidence-based practice which utilizes a highly integrated, trans-disciplinary team to deliver comprehensive and effective services to individuals with serious mental illness who have needs that have not been well met by traditional approaches to delivering services.

(7) "Certificate of Approval" means the document awarded by the Division signifying that a specific, named organization is judged by the Division to operate in compliance with applicable rules. A "Certificate of Approval" for mental health services is valid only when signed by the Deputy Director of the Division of Mental Health Services and, in the case of a subcontract provider of a CMHP, the CMHP director.

(8) "Certification of Need" means the procedures established by the Division to certify in writing a child's need for psychiatric residential treatment services.

(9) "Child" or "Children" means a person under the age of 18. An individual with Medicaid eligibility, who is in need of services specific to children, adolescents, or young adults in transition, will be considered a child until age 21 for purposes of these rules.

(10) "Children, Adults and Families" (CAF) means the Division serving as Oregon's child welfare agency.

(11) "Clean Claim(s)" means a claim that can be processed without obtaining additional information from the provider of the service or from a third party. It includes a claim with errors originating in the State's claims system. It does not include a claim from a provider who is under investigation for fraud or abuse, or a claim under review for medical necessity.

(12) "Commission on Accreditation of Rehabilitation" (CARF) means an organization that accredits behavioral health care and community providers based on the current edition of the "CARF Behavioral Health" standards manual.

(13) "Community Mental Health Program" (CMHP) means an entity that is responsible for planning and delivery of services for persons with substance use disorders, mental health diagnosis, or developmental disabilities, operated in a specific geographic area of the state under an intergovernmental agreement or direct contract with the Division.

(14) "Complaint" means an expression of dissatisfaction from an Individual or their representative to a Practitioner or Provider about any matter other than an Action.

(15) "Council on Accreditation of Services for Families and Children Facilities" (COA) means an organization that accredits behavioral health care and social service programs based on the current edition of the COA "Standards for Behavioral Health Care Services and Community Support and Education Services Manual."

(16) "Disabling Mental Illness" means a mental illness that substantially limits functioning in one or more major life activity.

(17) "Division" means the Addictions and Mental Health Division of the Oregon Health Authority.

(18) "Division of Medical Assistance Programs" (DMAP) means the Division of the Oregon Health Authority responsible for coordinating the medical assistance programs within the State of Oregon including the Oregon Health Plan (OHP) Medicaid demonstration, the State Children's Health Insurance Program (SCHIP -Title XXI), and several other programs.

(19) "DMAP/AMH" means the Division of Medical Assistance or Addictions and Mental Health Division. Both DMAP and AMH have delegated responsibilities for the administration of Medicaid funded addictions and mental health services and supports. A lead agency will be identified to each entity involved in any process when the delegation of such is necessary.

(20) "Diagnostic and Statistical Manual" (DSM) means the current edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association.

(21) "Fidelity Review" means an on-site assessment utilizing a standardized, reliable, and valid evaluation tool to determine the degree to which an evidence-based practice is being implemented. Fidelity reviews include staff interviews, consumer and family member interviews, observation of service provision, review of program data, and/or chart reviews as necessary for the practice being reviewed.

(22) "Grievance System" means the overall system in which an Individual can express dissatisfaction and that expression acted on if necessary. The Grievance System includes a Complaint process, and Appeals process and access to the Division of Medical Assistance Programs Administrative Hearing process.

(23) "Habilitation Services" means services designed to help an individual attain or maintain their maximal level of independence, including the individual's acceptance of a current residence and the prevention of unnecessary changes in residence. Services are provided in order to assist an individual to acquire, retain or improve skills in one or more of the following areas: assistance with activities of daily living, cooking, home maintenance, recreation, community inclusion and mobility, money management, shopping, community survival skills, communication, self-help, socialization, and adaptive skills necessary to reside successfully in home and community-based settings.

(24) "Individual" means any person being considered for or receiving services and supports.

(25) "Individual Service and Support Plan" (ISSP) means a comprehensive plan for services and supports provided to or coordinated for an individual and his or her family, as applicable, that is reflective of the assessment and the desired outcomes of service.

(26) "Interdisciplinary Team" means the group of people designated to advise in the planning and provision of services and supports to individuals receiving Intensive Treatment Services (ITS) and Enhanced Care Services (ECS) and may include multiple disciplines or agencies. For ITS programs, the composition of the interdisciplinary team must be consistent with the requirements of 42 CFR Part 441.156.

(27) "Joint Commission, The" (TJC) means the commission which accredits psychiatric residential treatment facilities according to its current edition of the "Comprehensive Accreditation Manual for Hospitals" and the "Comprehensive Accreditation Manual for Behavioral Health Care."

(28) "Letter of Approval" means the document awarded to service providers under OAR 309-012-0010 which states that the provider is in compliance with applicable administrative rules of the Division. Letters of Approval issued for mental health services are obsolete upon their expiration date, or upon the effective date of 309-012-0140, whichever is later.

(29) "Licensed Medical Practitioner" (LMP) means a person who meets the following minimum qualifications as documented by the LMHA or designee:

(a) Physician licensed to practice in the State of Oregon; or

(b) Nurse practitioner licensed to practice in the State of Oregon; or

(c) Physician's Assistant licensed to practice in the State of Oregon.

ADMINISTRATIVE RULES

(d) In addition, whose training, experience and competence demonstrate the ability to conduct a mental health assessment and provide medication management.

(e) For ICTS and ITS providers, a “Licensed Medical Practitioner” or “LMP” means a board-certified or board-eligible child and adolescent psychiatrist licensed to practice in the State of Oregon.

(30) “Local Mental Health Authority” (LMHA) means one of the following entities:

(a) The board of county commissioners of one or more counties that establishes or operates a Community Mental Health Program (CMHP);

(b) The tribal council, in the case of a federally recognized tribe of Native Americans that elects to enter into an agreement to provide mental health services; or

(c) A regional local mental health authority comprised of two or more boards of county commissioners.

(31) “Medicaid” means the federal grant-in-aid program to state governments to provide medical assistance to eligible persons, under Title XIX of the Social Security Act.

(32) “Medicaid Management Information System” The mechanized claims processing and information retrieval system that all states are required to have according to section 1903(a)(3) of the Social Security Act and defined in regulation at 42 CFR 433.111. All states operate an MMIS to support Medicaid business functions and maintain information in such areas as provider enrollment; client eligibility, including third party liability; benefit package maintenance; managed care enrollment; claims processing; and prior authorization.

(33) “Medically Appropriate” means services and medical supplies required for prevention, diagnosis or treatment of a physical or mental health condition, or injuries, and which are:

(a) Consistent with the symptoms of a health condition or treatment of a health condition;

(b) Appropriate with regard to standards of good health practice and generally recognized by the relevant scientific community and professional standards of care as effective;

(c) Not solely for the convenience of an individual or a provider of the service or medical supplies; and

(d) The most cost effective of the alternative levels of medical services or medical supplies that can be safely provided to an individual.

(34) “National Provider Identifier” (NPI) means a unique 10-digit identifier mandated by the Administrative Simplification provisions of the federal Health Insurance Portability and Accountability Act (HIPAA) for all healthcare providers that is good for the life of the provider.

(35) “Non-Contiguous Area Provider” means a provider located more than 75 miles from Oregon and enrolled with the Division.

(36) “Plan of Care” (POC) means a tool within the Medicaid Management Information System used to authorize certain Medicaid funded services for Individuals.

(37) “Provider” means an organizational entity, or qualified person, that is operated by or contractually affiliated with, a community mental health program, or contracted directly with the Division, for the direct delivery of addictions, problem gambling or mental health services and supports.

(38) “Psychiatric Residential Treatment Facility” means facilities that are structured residential treatment environments with daily 24-hour supervision and active psychiatric treatment, Psychiatric Residential Treatment Services (PRTS), Secure Children’s Inpatient Treatment Programs (SCIP), Secure Adolescent Inpatient Treatment Programs (SAIP), and Sub-acute psychiatric treatment for children who require active treatment for a diagnosed mental health condition in a 24-hour residential setting.

(39) “Psychiatric Residential Treatment Services” means services delivered in a PRTF that include 24-hour supervision for children who have serious psychiatric, emotional or acute mental health conditions that require intensive therapeutic counseling and activity and intensive staff supervision, support and assistance.

(40) “Qualified Mental Health Associate” (QMHA) means a person delivering services under the direct supervision of a Qualified Mental Health Professional (QMHP) and meeting the following minimum qualifications as documented by the LMHA or designee:

(a) A bachelor’s degree in a behavioral sciences field; or

(b) A combination of at least three year’s relevant work, education, training or experience; and

(c) Has the competencies necessary to:

(A) Communicate effectively;

(B) Understand mental health assessment, treatment and service terminology and to apply the concepts; and

(C) Provide psychosocial skills development and to implement interventions prescribed on a Treatment Plan within the scope of his or her practice.

(41) “Qualified Mental Health Professional” (QMHP) means a Licensed Medical Practitioner (LMP) or any other person meeting the following minimum qualifications as documented by the LMHA or designee:

(a) Graduate degree in psychology;

(b) Bachelor’s degree in nursing and licensed by the State of Oregon;

(c) Graduate degree in social work;

(d) Graduate degree in a behavioral science field;

(e) Graduate degree in recreational, art, or music therapy; or

(f) Bachelor’s degree in occupational therapy and licensed by the State of Oregon; and

(g) Whose education and experience demonstrates the competencies to identify precipitating events; gather histories of mental and physical disabilities, alcohol and drug use, past mental health services and criminal justice contacts; assess family, social and work relationships; conduct a mental status examination; document a multiaxial DSM diagnosis; write and supervise a Treatment Plan; conduct a Comprehensive Mental Health Assessment; and provide individual, family, and/or group therapy within the scope of his or her practice.

(42) “Representative” means a person who acts on behalf of an individual at the individual’s request with respect to a grievance, including, but not limited to a relative, friend, employee of the Division, attorney or legal guardian.

(43) “Residential Alcohol and Other Drug Treatment Program” means a publicly or privately operated program as defined in ORS 430.010 that provides assessment, treatment, rehabilitation and twenty four hour observation and monitoring for individuals with alcohol and other drug dependence, consistent with Level III of American Society of Addiction Medicine (ASAM) PPC-2R.

(44) “Supported Employment” (SE) means an evidence-based practice which provides services and supports to enable individuals with a serious mental illness to obtain and maintain competitive employment.

(45) “System Of Care” means the comprehensive array of mental health and other necessary services which are organized to meet the multiple and changing needs of children with severe emotional disorders and their families.

(46) “Usual and Customary Charge” means the lesser of the following unless prohibited from billing by federal statute or regulation:

(a) The Provider’s charge per unit of service for the majority of non-medical assistance users of the same service based on the preceding month’s charges;

(b) The Provider’s lowest charge per unit of service on the same date that is advertised, quoted or posted. The lesser of these applies regardless of the payment source or means of payment;

(c) Where the Provider has established a written sliding fee scale based upon income for individuals and families with income equal to or less than 200% of the federal poverty level, the fees paid by these individuals and families are not considered in determining the usual charge. Any amounts charged to Third Party Resources (TPR) are to be considered.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705, 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; MHS 14-2011(Temp), f. 12-29-11, cert. ef. 1-1-12 thru 6-28-12; MHS 7-2012(Temp), f. & cert. ef. 5-17-12 thru 11-11-12; MHS 10-2012, f. & cert. ef. 6-19-12; MHS 12-2012(Temp), f. 6-27-12, cert. ef. 7-1-12 thru 12-27-12; MHS 14-2012, f. & cert. ef. 11-5-12; MHS 5-2013, f. & cert. ef. 6-5-13; Renumbered from 309-016-0605, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0020

Clinical Documentation

Providers shall comply with clinical documentation as required in the Integrated Services and Supports Rule (OARs 309-032-1525 through 309-032-1535).

Stat. Auth.: ORS 413.042, 430.640, 430.705 & 430.715

Stats. Implemented: ORS 414.025, 414.065 & 430.640

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; [MHS 14-2011(Temp), f. 12-29-11, cert. ef. 1-1-12 thru 6-28-12; Temporary repealed by MHS 10-2012, f. & cert. ef. 6-19-12]; Renumbered from 309-016-0610, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0030

Billing

Billing Requirements. Providers shall meet all requirements in Oregon Administrative Rule 410-120-1280 Medical Assistance Programs Billing

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

ADMINISTRATIVE RULES

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; Renumbered from 309-016-0615, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0040

Submission

(1) Timely Submission Providers shall meet all requirements in Oregon Administrative Rule 410-120-1300 Medical Assistance Programs Timely Submission of Claims

(2) Submission Process

(a) Services may be received directly from any appropriately enrolled or DMAP Provider;

(b) All services shall be billed directly to DMAP in accordance with billing instructions contained in the DMAP administrative rules and supplemental information;

(c) DMAP shall pay at the FFS rate in effect on the date the service is provided subject to the rules and limitations described in the appropriate DMAP administrative rules and supplemental information.

Stat. Auth.: ORS 413.042, 430.640, 430.705 & 430.715

Stats. Implemented: ORS 414.025, 414.065 & 430.640

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; Renumbered from 309-016-0620, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0050

Allowable and Non-Allowable Costs

(1) Costs of a services will be subject, but not limited to the allowable and non-allowable costs as determined by cost finding principles found in "Cost Principles for a Non-Profit Organization" (OMB Circular A-122) or "Cost Principles for State, Local, and Indian Tribal Governments" (OMB Circular A-87) with the exception of interest: Mortgage interest on the acquisition of buildings and improvements, which is necessary and proper, will be classified as an allowable cost for a non-profit psychiatric residential treatment facility:

(a) "Necessary" requires that the interest be incurred on a loan made for a purpose reasonably related to patient care.

(b) "Proper" requires that interest be incurred at a rate not in excess of what a prudent borrower would have had to pay in the money market existing at the time the loan was made.

(2) In accord with the Deficit Reduction Act of 1984, as outlined in the Social Security Act, Section 1851(V)(I)(O), for determining the allowance for depreciation and interest on capital indebtedness with respect to a non-profit psychiatric residential treatment facility which has undergone a change of ownership, this rule provides that the valuation of the asset after such a change of ownership has occurred shall be the lesser of the allowable acquisition cost of such an asset to the owner of record as of July 18, 1984, or the acquisition cost of such an asset to the new owner. In the case where the asset was in existence prior to July 18, 1984, the value of the asset will be based on the allowable acquisition cost to the first owner of record after July 18, 1984, thereby eliminating upward revaluation of an asset. The recapture of depreciation only up to the full value of the initial asset is allowed.

(3) Non-allowable costs include but are not limited to:

(a) Room and Board except when providing Psychiatric Residential Treatment Services for children and adolescents reimbursed under the Inpatient psychiatric Services for Individuals Under Age 21 section of the Code of Federal Regulations (42 CFR 440.160).

(b) Educational program services as defined by the Department of Education.

(c) Costs of services otherwise reimbursed as payment(s) in full through DMAP medical programs.

(d) Costs (including legal fees, accounting and administrative costs, travel costs, and costs of feasibility studies) attributable to the negotiation or settlement of the sale or purchase of any capital asset (by acquisition or merger) for which any payment made as payment(s) in full has previously been made.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; MHS 11-2010, f. & cert. ef. 8-25-10; Renumbered from 309-016-0625, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0060

Payment

(1) The Division of Medical Assistance Programs or the Addictions and Mental Health Division will make payment in compliance with 42 CFR 447.10. Any contracted Billing Agent or Billing Service submitting claims on behalf of a Provider but not receiving payment in the name of or on behalf of the Provider does not meet the requirements for Billing Provider enrollment. If electronic transactions will be submitted, Billing Agents and

Billing Services must register and comply with Oregon Health Authority Electronic Data Interchange (EDI) rules, OAR 943-120-0100 through 943-120-0200. DMAP may require that payment for services be made only after review by DMAP.

(2) The Division sets Fee-for-Service (FFS) payment rates.

(3) All FFS payment rates are the rates in effect on the date of service that are the lesser of the amount billed, the AMH maximum allowable amount or the reimbursement specified in the individual program Provider rules:

(a) The Division's maximum allowable rate setting process uses a methodology that is based on the existing Medicaid fee schedule with adjustments for legislative changes and payment levels. The rates are updated periodically and posted on the Division's web site at <http://egov.oregon.gov/oha/mentalhealth/tools-providers.shtml>

(b) Provider rules may specify reimbursement rates for particular services or items. Provider specific rates are determined based on the Provider's allowable costs of providing the service.

(4) The Authority sets payment rates for out-of-state institutions and similar facilities, such as psychiatric and rehabilitative care facilities at a rate that is:

(a) Consistent with similar services provided in the State of Oregon; and

(b) The lesser of the rate paid to the most similar facility licensed in the State of Oregon or the rate paid by the Medical Assistance Programs in that state for that service.

(5) DMAP will not make payment on claims that have been assigned, sold, or otherwise transferred or when the Billing Provider, Billing Agent or Billing Service receives a percentage of the amount billed or collected 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.

(6) Payment for DMAP Clients with Medicare and Medicaid, excluding qualified Medicare beneficiary programs:

(a) DMAP limits payment to the Medicaid allowed amount less the Medicare payment up to the Medicare co-insurance and deductible, whichever is less. DMAP payment cannot exceed the co-insurance and deductible amounts due;

(b) DMAP pays the DMAP allowable rate for DMAP covered services that are documented to be not covered by Medicare.

(7) For Clients with Third-Party Resources (TPR), DMAP pays the DMAP allowed rate less the TPR payment but not to exceed the billed amount.

(8) DMAP payments, including contracted Prepaid Health Plan (PHP) payments, unless in error, constitute payment in full, except in limited instances involving allowable spend-down or copayments. For DMAP such payment in full includes:

(a) Zero payments for claims where a third party or other resource has paid an amount equivalent to or exceeding the DMAP allowable payment; and

(b) Denials of payment for failure to submit a claim in a timely manner, failure to obtain Payment Authorization in a timely and appropriate manner, or failure to follow other required procedures identified in the individual Provider rules.

(9) The Division will reimburse providers consistent with all requirements in 42CFR447.45 Timely Claims Payment including but not limited to:

(a) The Division must pay 90 percent of all clean claims from Providers within 30 days of the date of receipt.

(b) The Division must pay 99 percent of all clean claims from Providers within 90 days of the date of receipt.

(c) The Division must pay all other claims within 12 months of the date of receipt except in various circumstances listed in 42CFR447.45(4).

(10) Payment by DMAP does not limit the Authority or any state or federal oversight entity from reviewing or auditing a claim before or after the payment. Payment may be denied or subject to recovery if medical review, audit or other post-payment review determines the service was not provided in accordance with applicable rules or does not meet the criteria for quality of care, or medical appropriateness of the care or payment.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; MHS 14-2011(Temp), f. 12-29-11, cert. ef. 1-1-12 thru 6-28-12; MHS 7-2012(Temp), f. & cert. ef. 5-17-12 thru 11-11-12; MHS 10-2012, f. & cert. ef. 6-19-12; MHS 14-2012, f. & cert. ef. 11-5-12; Renumbered from 309-016-0630, DMAP 48-2014, f. & cert. ef. 8-1-14

ADMINISTRATIVE RULES

410-172-0070

Overpayment

(1) The Authority Identified. Notwithstanding OAR 410-120-1397 when the Authority determines an overpayment has been made to a Provider, the amount of overpayment is subject to recovery by the Authority. The overpayment amount will be determined at the Authority's discretion through direct examination of claims, through statistical sampling and extrapolation techniques or other means. Procedures for recovery of funds are as described in the Division of Medical Assistance Programs General Rules for the Division of Medical Assistance Programs (OAR 410-120-1505) or by applicable contract language.

(2) Provider identified. When a provider discovers that they requested and may have received reimbursement not in compliance with all applicable rules they must contact the Division's Medicaid Policy Unit and Office of Payment Accuracy and Recovery (OPAR) promptly to report the possible inappropriate payment and discuss the manner by which the appropriateness will be determined as well as programmatic changes and other notifications to be made.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; Renumbered from 309-016-0635, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0080

Notice of Action Requirements of Providers

When a Provider (or authorized staff acting with authority to determine the Individual's needs) takes or intends to take any Action the Individual shall be mailed a written client Notice of Action in accordance with OAR 410-141-0263.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; Renumbered from 309-016-0640, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0090

Administrative Hearing

A Division of Medical Assistance Programs (DMAP) Member or their representative that disagrees with a Notice of Action may request a DMAP Administrative Hearing consistent with OAR 410-120-1865 Denial, Reduction or Termination of Services.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; Renumbered from 309-016-0645, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0100

Provider Appeals

Providers have the right to file an appeal consistent with Oregon Administrative Rule 410-120-1560 Provider Appeals, 410-120-1570 Claims Re-determinations, 410-120-1580 Provider Appeals — Administrative Review and 410-120-1600 Provider Appeals — Contested Case Hearings.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; Renumbered from 309-016-0650, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0110

Program

Conditions of Provider Participation. Provider shall meet the following requirements:

(1) Possess the appropriate current and valid License, Letter of Approval and/or Certificate of Approval issued by the Division for the mental health and addictions services provided.

(2) Develop a Cost Allocation Plan to support the Provider's Usual and Customary Charge

(3) Provide services in accordance with the Civil Rights Act of 1964, the Americans with Disabilities Act and any other state and federal laws and regulations listed in the contract with the Division.

(4) Participate in the claim review process outlined in OAR 410-120-1397

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; Renumbered from 309-016-0660, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0120

Individual Provider Enrollment

Providers shall meet all requirements in Oregon Administrative Rule 410-120-1260 Medical Assistance Programs Provider Enrollment and 943-120-0310 Provider Requirements and 943-120-0320 Provider Enrollment.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; Renumbered from 309-016-0665, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0130

Sanctions

Sanctions will be imposed on Providers when necessary in accordance with Oregon Administrative Rule 410-120-1400 through 410-120-1460 Medical Assistance Programs Provider Sanctions and Types and Conditions of Sanction

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; Renumbered from 309-016-0670, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0140

Prior Authorization

Authorization of Payment.

(1) Some of the services or items covered by the Division require authorization before payment will be made. Some services require authorization before the service can be provided. Services requiring prior authorization can be found on the Mental Health Procedure Codes and Reimbursement Rates Table located at <http://egov.oregon.gov/oha/mental-health/tools-providers.shtml>. The procedure for receiving authorization is detailed in the Provider Manual found on the same website.

(2) Documentation submitted when requesting authorization must support the medical justification for the service. A complete request is one that contains all necessary documentation and meets any other requirements as described in the appropriate Provider rules.

(3) The Division will authorize for the level of care or type of service that meets the Individual's medical need. Only services which are Medically Appropriate and for which the required documentation has been supplied may be authorized. The authorizing agency may request additional information from the Provider to determine medical appropriateness or appropriateness of the service.

(4) The Division and its authorizing agencies are not required to authorize services or to make payment for authorized services under the following circumstances:

(a) The individual was not eligible for Medicaid at the time services were provided. The provider is responsible for checking the individual's eligibility each time services are provided;

(b) The Provider does not hold a valid Certificate of Approval from the Division for the service;

(c) The Provider cannot produce appropriate documentation to support medical appropriateness, or the appropriate documentation was not submitted to the Division;

(d) The service has not been adequately documented (see 309-016-0610); that is, the documentation in the Provider's files is not adequate to determine the type, medical appropriateness, or frequency and duration of services provided and required documentation is not in the Provider's files;

(e) The services billed or provided are not consistent with the information submitted when authorization was requested or the services provided are determined retrospectively not to be medically appropriate;

(f) The services billed are not consistent with those provided;

(g) The services were not provided within the timeframe specified on the authorization of payment document;

(h) The services were not authorized or provided in compliance with these rules, the General Rules and in the appropriate Provider rules.

(i) The provider was not eligible to receive reimbursement from Medicaid at the time the service was rendered.

(j) The individual's needs can be better met through another system of care, such as Aging and People with Disabilities; the individual is eligible for services under that system of care; the individual has been given notice of that eligibility; and the services necessary to support a successful transition to the alternate system of care have been provided.

(5) Payment made for services described in subsections (a)–(h) of this rule will be recovered (see also Basis for Mandatory Sanctions and Basis for Discretionary Sanctions).

(6) Retroactive Eligibility:

(a) In those instances when Individuals are made retroactively eligible, authorization for payment may be given if:

ADMINISTRATIVE RULES

- (A) The Individual was eligible on the date of service;
- (B) The services provided meet all other criteria and Oregon Administrative Rules; and;
- (C) The request for authorization is received by the Division within 90 days of the date of service;

(b) Services provided when a Medicaid-eligible Individual is retroactively dis-enrolled from a Prepaid Health Plan (PHP) or services provided after the Individual was dis-enrolled from a PHP may be authorized if:

- (A) The Individual was eligible on the date of service;
- (B) The services provided meet all other criteria and Oregon Administrative Rules; and
- (C) The request for authorization is received by the Division within 90 days of the date of service;

(c) Any requests for authorization after 90 days from date of service require documentation from the Provider that authorization could not have been obtained within 90 days of the date of service.

(7) The Division will process requests for prior authorization that do not require additional information from the provider or third party consistent with timeliness of payments for clean claims described in 42CFR447.45 and included in 309-016-0630(9).

(8) Prior Authorization is valid for the time period specified on the authorization notice, but not to exceed 12 months, unless the Individual's benefit package no longer covers the service, in which case the authorization will terminate on the date coverage ends.

(9) Prior Authorization for Individuals with other insurance or for Medicare beneficiaries:

(a) When Medicare is the primary payer for a service, no Prior Authorization from the Division is required, unless specified in the appropriate program Provider rules;

(b) For Individuals who have private insurance or other Third Party Resources (TPRs), such as Blue Cross, Tri-Care, etc., the Division requires Prior Authorization as specified above and in the appropriate Provider rules when the other insurer or resource does not cover the service or when the other insurer reimburses less than the Division rate;

(c) For Individuals in a Medicare's Social Health Maintenance Organization (SHMO), the SHMO requires Payment Authorization for some services. the Division requires Prior Authorization for services which are covered by the Division but which are not covered under the SHMO as specified above and in the appropriate Provider rules.

Stat. Auth.: ORS 413.042 & 430.640
Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715
Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; MHS 14-2011(Temp), f. 12-29-11, cert. ef. 1-1-12 thru 6-28-12; MHS 7-2012(Temp), f. & cert. ef. 5-17-12 thru 11-11-12; MHS 10-2012, f. & cert. ef. 6-19-12; MHS 14-2012, f. & cert. ef. 11-5-12; Renumbered from 309-016-0675, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0150 Limitations

Published Payment Schedule.

(1) Payment will be made at each Provider's usual and customary charge or the Division's published reimbursement upper payment limit, whichever is less, minus payments received or due from other payors. Payments to other specified Providers will be made according to other approved schedules:

(a) Limitations contained in the Medicaid Rehabilitative Services Procedure Codes and Reimbursement Rates Schedule, such as the maximum rate and the amount, duration, and scope of services provided, are subject to change at the discretion of the Division. Providers will be notified of such changes in writing;

(b) Payment will be made for services listed in the Medicaid Rehabilitative Services Procedure Codes and Reimbursement Rates Schedule which are rendered to Medicaid-eligible Individuals by qualified staff meeting the definition of OAR 309-032-1520 during the period in which the Provider is enrolled in the Division of Medical Assistance Program.

(2) Reimbursement for specific services that are typically limited in frequency or when occurring on the same day as other services may be reimbursed for a special population of individuals who are at high-risk for long-term institutionalization and have been authorized by the Division for fee-for-service mental health rehabilitative services. Pending CMS approval, the following combination of services, when authorized prior to the service, billed with an HK modifier and when approved for a specific individual by the Division, will be reimbursed.

Procedure code	Same Day of Service
90805	G0176, G0177, 90857, 90882
90807	G0176, G0177, 90857, 90882

90809	G0176, G0177, 90857, 90882
90804	G0176, G0177
90806	G0176, G0177
90808	G0176, G0177
90846	G0176, G0177, 90857, 90882
90847	G0176, G0177
90853	G0176, G0177, 90882
90857	G0176, G0177, 90882

Stat. Auth.: ORS 413.042 & 430.640
Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715
Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; MHS 7-2012(Temp), f. & cert. ef. 5-17-12 thru 11-11-12; MHS 14-2012, f. & cert. ef. 11-5-12; Renumbered from 309-016-0680, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0160

Variations

A variance from those portions of these rules that are not derived from federal regulations, Oregon's Medicaid State Plan or the General Rules for Oregon Medical Assistance Programs may be granted to an applicant for a period of up to one year in the following manner:

(1) The applicant shall submit to the Division's Medicaid Policy Unit a written request which includes:

- (a) The section(s) of the rule from which the variance is sought;
- (b) The reason for the proposed variance;
- (c) The alternative practice proposed; and
- (d) A plan and timetable for compliance with the section of the rule from which the variance is sought unless under the discretion of the Division the practice detailed in the variance will be ongoing to be renewed annually.

(2) The Division's Director shall approve or deny the request for variance in writing.

(3) The Division's Medicaid Policy Unit shall notify the Provider of the decision in writing within 30 days of receipt of the request.

(4) Appeal of the denial of a variance request shall be to the Director, whose decision shall be final.

(5) Variances may only be granted for up to one year. A Provider requesting a Variance to be continued beyond one year must re-apply.

Stat. Auth.: ORS 413.042 & 430.640
Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715
Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; MHS 14-2011(Temp), f. 12-29-11, cert. ef. 1-1-12 thru 6-28-12; MHS 10-2012, f. & cert. ef. 6-19-12; Renumbered from 309-016-0685, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0170

Individual Eligibility

(1) To be eligible for State Plan Personal Care services under these rules, a person must require assistance from a qualified provider due to a disabling mental health condition with one or more of the Personal Assistance Services identified in OAR 411-034-0020(2)(a)-(f). The qualified provider must be providing these services, paid by the Division in accordance with an authorized service plan.

(2) A person eligible for State Plan Personal Care services under these rules must be a current recipient of at least one of the following programs defined in OAR 461-101-0010:

- (a) Extended Medical (EXT);
- (b) Medical Assistance Assumed (MAA);
- (c) Medical Assistance to Families (MAF);
- (d) Oregon Health Plan (OHP);
- (e) Oregon Supplemental Income Program Medical (OSIPM);
- (f) Temporary Assistance to Needy Families (TANF); or
- (g) Refugee Assistance (REF).

(3) State Plan Personal Care services are not available for individuals in a prison, hospital, sub-acute care facility, nursing facility or other medical institution.

(4) The Division or its designee has the authority to close the eligibility and authorization for State Plan Personal Care services if an individual fails to employ a qualified provider or to receive Personal Assistance Services from a qualified provider paid by the Division for thirty continuous calendar days or longer.

(5) Individuals served under the Medicaid 1915(c) Home and Community-Based Services waiver for the aged and physically disabled, or the 1115(c) Independent Choices waiver, are not eligible to receive State Plan Personal Care services.

(6) Individuals receiving medical and long-term care services through the Program of All-inclusive Care for the Elderly (PACE), as described in OAR chapter 411, division 045, must not also receive State Plan Personal Care services under these rules.

Stat. Auth.: ORS 413.042 & 430.640
Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

ADMINISTRATIVE RULES

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; Renumbered from 309-016-0690, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0180

Covered Services

Specific personal care services must be prescribed by a physician or licensed practitioner of the healing arts in accordance with a plan of treatment or authorized for the individual in accordance with a service plan approved by the State or designee. The services are provided by an individual who is qualified to provide such services and who is not a legally responsible relative of the Individual. The services may be furnished in a home or other allowable location.

(1) Personal Care tasks include:

(a) Basic personal hygiene — providing or assisting with:

(A) Bathing (tub, bed bath, shower);

(B) Shampoo, hair grooming;

(C) Shaving;

(D) Nail care — hands;

(E) Nail care — feet;

(F) Foot care;

(G) Dressing; and

(H) Skin care — application of emollients if approved by physician, repositioning (see 5b).

(b) Bowel and bladder care:

(A) Assisting on and off toilet, commode or bedpan, diapering;

(B) External cleansing of perineal area;

(C) External cleansing of Foley catheter — after demonstrating technique to RN;

(D) Emptying catheter drainage bag — after demonstrating technique to RN;

(E) Changing colostomy or ileostomy bag for individual with stabilized condition;

(F) Encouraging adequate fluid intake; and

(G) Maintenance bowel care;

(c) Assisting individual to take medications:

(A) Open and properly reseal medication containers if individual unable to do so;

(B) Observe to assure individual taking medication as ordered by physician;

(C) Remind appropriate person when prescription refill needed; and

(D) Administration of stabilized, maintenance medication(s).

(d) Assist oxygen:

(A) Maintain clean equipment; and

(B) Assist with maintaining adequate supply.

(e) Assist with mobility, transfers and comfort:

(A) Assist with ambulation with or without aids. Assure repositioning every two hours or more often for bedridden or wheelchair-using individuals

(B) Encourage active range-of-motion exercises when indicated;

(C) Assist with passive range-of-motion exercise if ordered by physician and RN has observed and approved technique; and

(D) Assist with transfers with or without mechanical devices.

(f) Nutrition:

(A) Prepare nutritional meals;

(B) Plan and prepare special diets as ordered by physician;

(C) Assure adequate fluid intake; and

(D) Feed if necessary.

(g) Care of disoriented, mentally or physically disabled individual:

(A) Assure maximum safety of individuals; and

(B) Provide or assist with approved activities.

(h) First aid and handling of emergencies;

(A) Discussed and approved at time of first visit; and

(B) Maintain and prioritize emergency notification system.

(i) Perform housekeeping tasks necessary to maintain a healthy and safe environment for the individual.

(j) Arrange and assist individual to and from necessary appointments.

(k) Observation of individual status and reporting of any significant changes to the appropriate case manager or other person as designated by the care plan.

(1) Tasks delegated by a nurse (reference nurse delegation act).

(2) Providers of personal care services must document the services provided in a manner consistent with the Integrated Services and Supports Rule (OAR 309-032-1525 through 309-032-1535).

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; Renumbered from 309-016-0695, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0190

Qualified Provider

(1) A qualified provider is a person who, in the judgment of the Division or its designee, can demonstrate by background, skills and abilities the capability to safely and adequately provide the services authorized.

(2) A qualified provider must maintain a drug-free work place and must be approved through the criminal history check process described in OAR 943-007.

(3) A qualified provider paid by the Division must not be the parent, or step-parent of an eligible minor child, the eligible individual's spouse or another legally responsible relative consistent with 42CFR440.167.

(4) A qualified provider must be authorized to work in the United States, in accordance with U.S. Department of Homeland Security, Bureau of Citizenship and Immigration rules.

(5) A qualified provider must be enrolled as a PCA with an individual provider number

(6) Criminal History Re-checks:

(a) Criminal history re-checks may be conducted at the discretion of the Division or designee, in accordance with OAR 943-007 and will be conducting at least every two years.

(b) Providers must comply with criminal history re-checks by completing a new criminal history authorization form when requested to do so by the Division.

(c) The provider's failure to complete a new criminal history check authorization will result in the inactivation of the provider enrollment. Once inactivated, a provider must reapply and meet all of the standards described in this rule to have their provider enrollment reactivated.

(7) Provider must not be included on any US Office of Inspector General Exclusion lists

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; Renumbered from 309-016-0700, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0200

Qualified Provider

The Division, Division or designee may deny or terminate a Personal Care Attendant's provider enrollment and provider number if the Personal Care Attendant:

(1) Has been appointed the legal guardian of the individual;

(2) Is denied as the result of a weighing test performed as part of the criminal history check process described in OAR 943-007;

(3) Lacks the skills, knowledge, or ability to adequately or safely perform the required work;

(4) Violates protective service and abuse rules in OAR chapter 411, division 020, or OAR chapter 413, division 015 or 943-045;

(5) Commits fiscal improprieties;

(6) Fails to provide the authorized services required by the eligible individual;

(7) Has been repeatedly late in arriving to work or has absences from work not authorized in advance by the individual;

(8) Has been intoxicated by alcohol or drugs while providing authorized services to the individual or while in the individual's home;

(9) Has manufactured or distributed drugs while providing authorized services to the individual or while in the individual's home; or

(10) Has been excluded as a provider by the U.S. Department of Health and Human Services, Office of Inspector General, from participation in Medicaid, Medicare or any other federal health care programs.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; Renumbered from 309-016-0705, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0210

Employment Relationship

(1) The relationship between the eligible individual and his or her Personal Care Attendant is that of employer and employee.

(a) The eligible individual carries primary responsibility for locating, interviewing, screening, hiring, scheduling work periods, training and terminating his or her own employees. The individual is also responsible for tracking and confirming the service hours worked by his or her employee.

(b) The eligible individual exercises control as the employer and directs the employee in the provision of the services.

(c) The Division or designee determines whether the employee meets the minimum qualifications to provide the services authorized by the Division and makes direct service payment(s) to the provider on behalf of the individual.

ADMINISTRATIVE RULES

(2) In order to receive State Plan Personal Care services from a Personal Care Attendant, the individual must be able to:

(a) Meet the employer responsibilities described in section (1)(a) of this rule; or

(b) Designate a natural support as the individual's representative to meet these employer responsibilities.

(3) Termination and the grounds for termination of employment are determined by the employer. Eligible individuals have the right to terminate their employment relationships with their providers at any time and for any reason. It is the responsibility of the employer to establish an employment agreement at the time of hire. The employment agreement may include grounds for dismissal and any requirements for the employee to provide advance notice before resigning.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; ; Renumbered from 309-016-0710, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0220

Mandatory Reporting

All reporting requirements mandated under ORS 430.735 through ORS 430.768 must be followed.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; Renumbered from 309-016-0715, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0230

Service Entry

(1) Mental Health Provider Responsibilities:

(a) Assessment and Re-Assessment:

(A) The provider or designated person will meet in person with the individual to assess the individual's ability to perform the tasks listed in OAR 309-016-0705.

(B) The individual's natural support persons may participate in the assessment if requested by the individual.

(C) The Mental Health Provider will assess the individual's service needs, identify the resources meeting any, some or all of the person's needs, and determine if the individual is currently eligible for Personal Care services.

(D) The Mental Health Provider will meet with the individual in person at least once every 365 days to review the individual's service needs.

(E) The assessment must be approved by a practitioner recognized by the Division as a Qualified Mental Health Professional.

(b) Service Planning:

(A) The Mental Health Provider will prepare a service plan identifying those tasks for which the individual requires assistance and the monthly number of approved hours of service. Not to exceed 20 hours per Individual per month.

(B) The service plan will describe the tasks to be performed by the qualified provider and will approve the maximum monthly hours that can be reimbursed for those services.

(C) When developing service plans, Mental Health Providers will consider the cost effectiveness of services that adequately meet the individual's service needs.

(D) The service plan must be approved by a practitioner recognized by the Division as a Qualified Mental Health Professional.

(E) Payment for State Plan Personal Care services must be approved by the Mental Health Provider and submitted to the Division based on the service needs of the individual as documented in the written service plan.

(c) Ongoing Monitoring and Approval:

(A) When there is an indication that the individual's Personal Assistance Service needs have changed, the Mental Health Provider will conduct a re-assessment in person with the individual (and any natural supports if requested by the individual).

(B) Following annual re-assessments and those conducted after a change in Personal Assistance Service needs, the Mental Health Provider will review service eligibility, the cost effectiveness of the service plan and whether the services provided are meeting the identified service needs of the individual. The Mental Health Provider may adjust the hours or services in the plan and will approve a new service plan, if appropriate, based on the individual's current service needs. The Mental Health Provider will then submit the adjusted service plan to the Division.

(d) Ongoing Case Management: The Mental Health Provider will provide ongoing coordination of Personal Care services, including approving changes in service providers and service hours, addressing risks, and providing information and referral to the individual when indicated.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; Renumbered from 309-016-0720, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0240

Service Entry

(1) Program Provider Responsibilities:

(a) Assessment and Re-Assessment:

(A) Program staff will meet in person with the individual to assess the individual's ability to perform the tasks listed in OAR 309-016-0695.

(B) The individual's natural support persons may participate in the assessment if requested by the individual.

(C) Program staff will assess the individual's service needs, identify the resources meeting any, some or all of the person's needs, and determine if the individual is currently eligible for Personal Care services.

(D) Program staff will meet with the individual in person at least once every 365 days to review the individual's service needs.

(b) Service Planning:

(A) The program staff will prepare a Plan of Care identifying those tasks for which the individual requires assistance and the monthly number of requested hours of service.

(B) The Plan of Care will describe the tasks to be performed by the Program staff and will request a maximum monthly number of hours of service.

(C) When developing Plans of Care, Program staff will consider the cost effectiveness of services that adequately meet the individual's service needs.

(D) Payment for Personal Care services must be prior authorized by the Division based on the service needs of the individual as documented in the written Plan of Care.

(c) Ongoing Monitoring and Approval:

(A) When there is an indication that the individual's Personal Assistance Service needs have changed, the provider will conduct a re-assessment in person with the individual (and any natural supports if requested by the individual).

(B) Following annual re-assessments and those conducted after a change in Personal Assistance Service needs, the Provider will review service eligibility, the cost effectiveness of the Plan of Care and whether the services provided are meeting the identified service needs of the individual. The Provider may adjust the hours or services in the plan and will submit a new Plan of Care, if appropriate, based on the individual's current service needs. The Provider will submit the adjusted Plan of Care to the Division.

(d) Ongoing Case Management: The Provider will provide ongoing coordination of Personal Care services, including changes in service hours, addressing risks, and providing information and referral to the individual when indicated.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; Renumbered from 309-016-0725, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0250

Program

The provider shall meet the following requirements:

(1) Possess the appropriate current and valid license, Letter of Approval and/or Certificate of Approval issued by the Division for the mental health and addictions services provided, when required by rule;

(2) Provide services in accordance with the Civil Rights Act of 1964, the Americans with Disabilities Act and any other state and federal laws and regulations listed in the contract with the Division;

(3) Participate in the claim review process outlined in OAR 410-120-1397;

(4) Providers offering mental health rehabilitative services under this program must meet requirements for providers identified in OAR 309-016-0660; and

(5) Providers must be enrolled with the Division of Medicaid Assistance Programs (DMAP) as a mental health provider. Providers shall meet all requirements in OAR 410-120-1260, Medical Assistance Programs Provider Enrollment; 407-120-0310, Provider Requirements; and 407-120-0320, Provider Enrollment.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 7-2012(Temp), f. & cert. ef. 5-17-12 thru 11-11-12; MHS 14-2012, f. & cert. ef. 11-5-12; Renumbered from 309-016-0726, DMAP 48-2014, f. & cert. ef. 8-1-14

ADMINISTRATIVE RULES

410-172-0260

Individual Eligibility

Individual eligibility for services under the 1915(i) State Plan HCBS will be determined by meeting the following requirements:

(1) Financial eligibility under the State's Medicaid State plan with an income that does not exceed 150 percent of the Federal Poverty level;

(2) A needs for daily assistance of at least one hour per day to perform at least two Personal Care Services as identified in OAR 309-016-0695 due to a disabling mental illness; and

(3) Eligibility determined by an external quality review organization, as identified by the Division.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 7-2012(Temp), f. & cert. ef. 5-17-12 thru 11-11-12; MHS 14-2012, f. & cert. ef. 11-5-12; Renumbered from 309-016-0727, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0270

Service Prior Authorizations

(1) Eligibility for reimbursement through the 1915(i) State Plan Home and Community-Based Services Program requires authorization prior to the services as follows:

(a) For mental health rehabilitative services, as detailed in OAR 309-016-0675 and

(b) For personal care and habilitative services, as detailed in OAR 309-016-0725.

(2) Mental health rehabilitative services and facility-based personal care and habilitative services must be reauthorized every 180 days or whenever there is a change in services offered.

(3) Personal care and habilitative services must be reauthorized every 360 days or whenever there is a change in services provided.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 7-2012(Temp), f. & cert. ef. 5-17-12 thru 11-11-12; MHS 14-2012, f. & cert. ef. 11-5-12; Renumbered from 309-016-0729, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0280

Conditions of Service Provider Participation

Service provider must:

(1) Provide psychiatric residential treatment services to children eligible for Medicaid benefits under the terms of a written agreement with the Division. The agreement must require that the psychiatric residential treatment facility and the services provided comply with all applicable state and federal requirements.

(2) Support and protect the fundamental human, civil, constitutional, and statutory rights of each child.

(3) Be accredited as a psychiatric residential treatment facility for children under age 21 by JCAHO, CARF, COA, or any other accrediting organization, with comparable standards, that is recognized by the State; be licensed by CAF; hold a Certificate of Approval per OAR 309-012-0130 through 309-012-0220 from the Division and be in compliance with the treatment services standards described in the ISSR.

(4) Provide a program consistent with standards set by JCAHO, CARF, COA, or any other accrediting organization, with comparable standards, that is recognized by the State.

(5) Provide a physical facility suitable for treatment of children with attention to proper safety and sanitation, housekeeping, and general environment. Buildings shall comply with all applicable building, occupancy, electrical, plumbing, and zoning codes.

(6) Obtain certification for the admission of children to the psychiatric residential treatment facility following the Division's Certification of Need procedures.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; MHS 14-2012, f. & cert. ef. 11-5-12; Renumbered from 309-016-0730, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0290

Eligibility and Admission Policy

(1) In considering a child for admission for psychiatric residential treatment services, Certification of Need procedures will certify that:

(a) Other treatment resources available in the community do not meet the treatment needs of the child;

(b) Proper treatment of the child's psychiatric condition requires services on a psychiatric residential treatment basis under the direction of licensed medical practitioner;

(c) The services can reasonably be expected to improve the child's condition or prevent further regression so that psychiatric residential treatment services may no longer be needed; and

(d) The child has a principal diagnosis on Axis I of a completed 5-Axes DSM diagnosis that is not solely a result of mental retardation or other developmental disabilities, epilepsy, drug abuse, or alcoholism.

(2) The child must be eligible for medical assistance under Medicaid, according to procedures established by the Division, and meet the criteria for admission to psychiatric residential treatment services as defined by these rules.

(3) The Division shall authorize payment for psychiatric residential treatment services for children upon the approval of a certificate of need by the Division or its agent.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; Renumbered from 309-016-0735, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0300

Admission Procedures Related to Payment

(1) Admission procedures for children eligible for Medicaid will be reviewed through an independent psychiatric review process established by the Division to certify the need for services.

(2) The referring source or the facility will make available for the Certificate of Need (CONS) process, the following information about the referred child:

(a) Letter of support for admission from the identified county of responsibility or qualified tribal representative;

(b) Level of Need Determination screening outcome;

(c) Child and Adolescent Service intensity instrument (CASII) or Early Childhood Service Intensity Instrument (ECSII);

(d) Identified Intensive Community Treatment and Support (ICTS) provider;

(e) ICTS care coordinator;

(f) Child and family team members, and

(g) Copies of related available clinical documents such as updated mental health assessments, individual plan of care and service coordination plans.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; Renumbered from 309-016-0740, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0310

Service Criteria

Children shall be served in the least restrictive, least intensive setting based on their treatment history, degree of impairment, current symptoms and the extent of family and other supports. The provider must recommend the appropriate level of care to the child and parent or guardian when a more restrictive or less restrictive level of care is determined to be medically necessary.

(1) The following criteria are used to determine the appropriateness of continued stay:

(a) The child is making observed progress toward identified treatment goals as documented in the individual plan of care, but the measurable treatment objectives necessary to reach the goals have not been completed;

(b) The child made no documented progress toward treatment goals, but the individual plan of care and measurable objectives necessary to reach the goals have been reviewed by the LMP and modified in order to reevaluate the child's treatment needs, clarify the nature of the identified problems, and/or initiate new therapeutic interventions; or

(c) The child exhibits new symptoms or maladaptive behaviors that justify continuation and can be safely and effectively treated at a community-based residential level of care. The individual service and support plan has been revised accordingly.

(2) A planned transfer will occur when the following criteria are met:

(a) The child's targeted symptoms and maladaptive behaviors have abated to an established baseline level as documented by the attainment of specific goals and measurable objectives in the individual plan of care; or

(b) The child exhibits new symptoms and maladaptive behaviors which may not be safely or effectively treated at this level of care; or

(c) The child is not benefiting from treatment and made no progress toward specific treatment goals or measurable objectives even though appropriate individual service and support plan reviews and revisions were conducted.

(3) Planned transfer will be consistent with the transfer criteria established by the interdisciplinary team and documented in the ISSP. In addition:

(a) Providers will not transfer an individual unless the interdisciplinary team, in consultation with the child's parent or guardian and the next

ADMINISTRATIVE RULES

provider, agree that the child requires a more or less restrictive level of care; and

(b) If the determination is made to admit the child to acute care, the provider will not conclude services during the acute care stay unless the interdisciplinary team, in consultation with the child's parent or guardian and the next provider, agree that the child requires a more or less restrictive level of care following the acute care stay.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; MHS 14-2011(Temp), f. 12-29-11, cert. ef. 1-1-12 thru 6-28-12; MHS 10-2012, f. & cert. ef. 6-19-12; Renumbered from 309-016-0745, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0320

Payments

(1) Payments will be made for the provision of active psychiatric residential treatment services, including approved leave for children eligible for such services under Medicaid. If active treatment is not documented during any period in which Division payments are made on behalf of a child, the Division may recoup such payments.

(2) The Division will pay for the day of admission but not for the day of transfer or discharge.

(3) Medicaid eligible children receiving psychiatric residential treatment services will be subject to periodic review by an interdisciplinary team to determine medical appropriateness and quality of services. If a review reveals that a child received an inappropriate level of care, i.e., less than active treatment, payment will not be allowed under these rules.

(4) Payment for planned absences from the program such as home care visits, and transitions shall be allowed if the absences are:

(a) Based on the individual clinical needs of the child; and

(b) Specified in the child's Individual Service and Support Plan's measurable objectives and/or transfer plan; and

(c) Documented in individual service notes; and

(d) The duration of any single planned absence is no more than three consecutive days, unless a longer duration is authorized in writing by the Division.

(5) Payment for unplanned absences from the program such as run-away, hospitalization, and detention (check on eligibility) shall be allowed if;

(a) The provider clearly documents in the child's individual service record regular and ongoing service coordination efforts undertaken by the program during the unplanned absence; and

(b) The provider clearly documents in the child's individual service record that the child will be returned to the program when the unplanned absence is resolved; and

(c) The duration of any single unplanned absence is no more than seven consecutive days, unless longer duration is authorized in writing by the Division.

(6) Payment for unplanned absences from the program shall be disallowed if the child is not returned to the program, unless the interdisciplinary team, in consultation with the child's parent(s) or guardian or provider of the next level of care determines that the child requires a more or less restrictive level of care.

(7) Planned absences from the program which are not indicated in the child's Individual Services and Supports Plan and/or transfer plan shall be considered unplanned absences and payment will be disallowed.

(8) Payments for planned absences must be made consistent with 42CFR447.40.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; MHS 14-2011(Temp), f. 12-29-11, cert. ef. 1-1-12 thru 6-28-12; MHS 10-2012, f. & cert. ef. 6-19-12; Renumbered from 309-016-0750, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0330

Conditions of Service Provider Participation

(1) Provider shall meet all requirements for Medicaid payment in general and specifically for PRTS providers as stated in OAR 309-016-0730 through 309-016-0750.

(2) The admitting physician must have authorized the admission and that authorization is evident in record.

(3) Children's Sub-Acute Psychiatric Care services must be provided consistent with the general standards outlined above (OAR 309-016-0605 through 309-016-0650) and the Rehabilitative mental Health Services requirements outlined above (OAR 309-016-0660 through 309-016-0685).

(4) The cost of Room and Board is not an allowable cost of Children's Sub-Acute Psychiatric Care services.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; Renumbered from 309-016-0755, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0340

Conditions of Service Provider Participation

The provider shall meet the following requirements:

(1) Possess the appropriate current and valid License, Letter of Approval and/or Certificate of Approval issued by the Division provided as outlined in OAR 415-012-0020;

(2) Develop a Cost Allocation Plan to support the Provider's Usual and Customary Charge. Usual and customary charge is defined in OAR 410-120-0000;

(3) Provide services in accordance with the Civil Rights Act of 1964, the Americans with Disabilities Act and any other state and federal laws and regulations listed in the contract with the Division;

(4) Participate in the claim review process outlined in OAR 410-120-1397; and

(5) Possess a contract with the Division to provide Alcohol and Drug Residential Treatment to Medicaid eligible individuals or be a subcontractor of an AMH Alcohol and Drug Residential treatment contractor.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 12-2012(Temp), f. 6-27-12, cert. ef. 7-1-12 thru 12-27-12; MHS 14-2012, f. & cert. ef. 11-5-12; Renumbered from 309-016-0760, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0350

Individual Provider Enrollment

Providers shall meet all requirements in OAR 410-120-1260, Medical Assistance Programs Provider Enrollment, 407-120-0310 Provider Requirements and 407-120-0320, Provider Enrollment.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 12-2012(Temp), f. 6-27-12, cert. ef. 7-1-12 thru 12-27-12; MHS 14-2012, f. & cert. ef. 11-5-12; Renumbered from 309-016-0765, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0360

Payment

(1) Payments will be made for the provision of active A&D residential treatment services, including approved leave for individuals for such services under Medicaid. If active treatment is not documented during any period in which Division payments are made on behalf of the individual, the Division may recoup such payments.

(2) Payment for planned absences from the program such as hospitalizations, home visits, and transitions shall be allowed if the absences are:

(a) Based on the individual clinical needs; and

(b) Specified in the Individual Service and Support Plan's measurable objectives and/or transfer plan; and;

(c) The provider clearly documents in the individual service record ongoing daily treatment service provided by the program during the absence; and

(d) The bed is not filled by any other individual during the absence; and

(e) The duration of any single planned absence is no more than seven consecutive days, unless a longer duration is authorized in writing by the Division

(3) Payment for unplanned absences from the program such as hospitalizations and incarceration (check Medicaid eligibility) shall be allowed if;

(a) The provider clearly documents in the individual service record ongoing daily treatment service provided by the program during the unplanned absence; and

(b) The provider clearly documents in the individual service record that the individual will be returned to the program when the unplanned absence is resolved and the bed is not filled by any other individual during the absence; and

(c) The duration of any single unplanned absence is no more than three consecutive days, unless longer duration is authorized in writing by the Division.

(4) Payment for a reserved bed is not covered under Medicaid consistent with 42 CFR 447.40

(5) Room and Board is not covered under Medicaid

(6) Payment will be made for each daily unit of service billed, reimbursed at the contracted per diem rate. A daily unit of service is defined in OAR 309-016-0750(2).

Stat. Auth.: ORS 413.042 & 430.640

ADMINISTRATIVE RULES

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715
Hist.: MHS 12-2012(Temp), f. 6-27-12, cert. ef. 7-1-12 thru 12-27-12; MHS 14-2012, f. & cert. ef. 11-5-12; Renumbered from 309-016-0770, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0370

Sanctions

Sanctions will be imposed on Providers when necessary in accordance with OAR 410-120-1400 through 410-120-1460 Medical Assistance Programs Provider Sanctions and Types and Conditions of Sanction.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 12-2012(Temp), f. 6-27-12, cert. ef. 7-1-12 thru 12-27-12; MHS 14-2012, f. & cert. ef. 11-5-12; Renumbered from 309-016-0775, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0380

Individual Eligibility

To be eligible for Alcohol and Drug Residential Treatment service under these rules the individual must be a current Medicaid recipient of at least one of the following programs defined in OAR 461-101-0010:

- (1) Extended Medical (EXT);
- (2) Medical Assistance Assumed (MAA);
- (3) Medical Assistance to Families (MAF);
- (4) Oregon Health Plan (OHP), OHP means OHP-CHP, OHP-OPC, OHP-OPP, OHP-OPU and OHP-OP6;
- (5) General Assistance Medical (GAM);
- (6) Oregon Supplemental Income Program Medical (OSIPM);
- (7) Medical Coverage for Children in Substitute or Adoptive Care (SAC);

- (8) Healthy Kids Connect (HKC); or
- (9) Continuous Eligibility (CEC).

Stat. Auth.: ORS 411.060, 411.404, 411.706, 411.816, 412.014, 412.049, 414.025, 414.231
Stats. Implemented: ORS 411.060, 411.404, 411.704, 411.706, 411.816, 412.014, 412.049, 414.025, 414.231, 414.826, 414.831, 414.839

Hist.: MHS 12-2012(Temp), f. 6-27-12, cert. ef. 7-1-12 thru 12-27-12; MHS 14-2012, f. & cert. ef. 11-5-12; Renumbered from 309-016-0780, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0390

Conditions of Service Provider Participation

Provider shall meet the following requirements:

(1) Possess the appropriate current and valid License, Letter of Approval and/or Certificate of Approval issued by the Division provided as outlined in OAR 415-012-0000 to 415-012-0090;

(2) Develop a Cost Allocation Plan to support the Provider's Usual and Customary Charge. Usual and customary charge is defined in OAR 410-120-0000;

(3) Provide services in accordance with the Civil Rights Act of 1964, the Americans with Disabilities Act and any other state and federal laws and regulations listed in the contract with the Division;

(4) Participate in the claim review process outlined in OAR 410-120-1397; and

(5) Center to be in compliance with 415-050-0000 to 415-050-0095.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 11-2013, f. & cert. ef. 9-23-13; Renumbered from 309-016-0781, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0400

Provider Enrollment

Providers shall meet all requirements in OAR 410-120-1260, Medical Assistance Programs Provider Enrollment, OAR 407-120-0310 Provider Requirements, and 407-120-0320 Provider Enrollment.

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 11-2013, f. & cert. ef. 9-23-13; Renumbered from 309-016-0806, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0410

Payment

(1) DMAP or the Division will make payment in compliance with 42 CFR 447.10. Any contracted Billing Agent or Billing Service submitting claims on behalf of a Provider but not receiving payment in the name of or on behalf of the Provider does not meet the requirements for Billing Provider enrollment. If electronic transactions will be submitted, Billing Agents and Billing Services must register and comply with Oregon Health Authority Electronic Data Interchange (EDI) rules, OAR 407-120-0100 through 407-120-0200. DMAP may require that payment for services be made only after review by DMAP.

(2) The Division sets Fee-for-Service (FFS) payment rates.

(3) All FFS payment rates are the rates in effect on the date of service that are the lesser of the amount billed, the AMH maximum allowable

amount or the reimbursement specified in the individual program Provider rules: The Division's maximum allowable rate setting process uses a methodology that is based on the existing Medicaid fee schedule with adjustments for legislative changes and payment levels. The rates are updated periodically and posted on the Division's web site

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 414.725 & 414.737, 430.640, 430.705 & 430.715

Hist.: MHS 11-2013, f. & cert. ef. 9-23-13; Renumbered from 309-016-0811, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0420

Sanctions

Sanctions will be imposed on Providers when necessary in accordance with OAR 410-120-1400 through 410-120-1460 Medical Assistance Programs Provider Sanctions and Types and Conditions of Sanction

Stat. Auth.: ORS 413.042 & 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705 & 430.715

Hist.: MHS 11-2013, f. & cert. ef. 9-23-13; Renumbered from 309-016-0816, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0430

Individual Eligibility

(1) To be eligible for Detoxification Treatment services under these rules the individual must be a current Medicaid recipient.

(2) Providers are responsible to verify an individual is a Medicaid recipient as outlined in OAR 410-120-1140

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065, 414.025 & 414.047

Hist.: MHS 11-2013, f. & cert. ef. 9-23-13; Renumbered from 309-016-0821, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0440

Supported Employment (SE) Overview

(1) Supported Employment is an evidence-based practice for individuals with serious mental illness.

(2) Supported Employment is characterized by:

(a) Emphasis on competitive employment;

(b) Every person who is interested in work is eligible for services regardless of symptoms, substance use disorders, treatment decisions, or any other issue;

(c) Employment services are integrated with mental health treatment;

(d) Individuals have access to personalized benefits planning;

(e) Job search begins soon after a person expresses interest in working; and

(f) Client preferences for jobs, and preferences for service delivery, are honored.

(3) Supported Employment services include, but are not limited to:

(a) Job development;

(b) Supervision and job training;

(c) On-the-job visitation;

(d) Consultation with the employer;

(e) Job coaching;

(f) Counseling;

(g) Skills training; and/or

(h) Transportation.

Stat. Auth.: ORS 414.032, 414.615, 414.625 & 414.651

Stats. Implemented: ORS 414.610 - 414.685

Hist.: MHS 1-2013(Temp), f. & cert. ef. 1-7-13 thru 7-1-13; MHS 5-2013, f. & cert. ef. 6-5-13; Renumbered from 309-016-0825, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0450

Supported Employment Providers

(1) To be eligible for Medicaid reimbursement, SE services must be provided by a Qualified SE Provider.

(2) To become a Qualified SE Provider, an agency must provide the evidence-based practice of Individual Placement and Support Supported Employment (IPS SE), and submit a copy to AMH of a fidelity review conducted by a Fidelity Reviewer approved by AMH, which resulted in a score of 100 or better.

(3) Providers implementing IPS SE may become a Provisionally Qualified SE Provider by submitting a request to AMH with a letter of support which indicates receipt of technical assistance and training from an AMH approved IPS SE Trainer. Medicaid reimbursements to a Provisionally Qualified SE Provider end after 12 months. This option is intended only for providers initiating supported employment services.

Stat. Auth.: ORS 413.042, 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705, 430.715

Hist.: MHS 5-2013, f. & cert. ef. 6-5-13; Renumbered from 309-016-0830, DMAP 48-2014, f. & cert. ef. 8-1-14

ADMINISTRATIVE RULES

410-172-0460

Supported Employment Fidelity Requirements

(1) In order to maintain designation as a Qualified SE Provider, a provider must submit to AMH an annual fidelity review report, conducted by an AMH approved reviewer, which indicates a minimum score of 100.

(2) Qualified SE Providers achieving a fidelity score of 115 or higher are eligible to extend their review period to every 18 months.

(3) Fidelity reviews will be conducted utilizing the most current Dartmouth College IPS Fidelity Scale available at www.oregon.gov/oha/amh.

Stat. Auth.: ORS 413.042, 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705, 430.715

Hist.: MHS 5-2013, f. & cert. ef. 6-5-13; Renumbered from 309-016-0835, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0470

Failure to Meet Fidelity Standards

If a Qualified SE Provider does not receive a minimum score of 100 on a fidelity review, the following shall occur:

(1) Technical assistance shall be made available for a period of 90-days to address problem areas identified in the fidelity review.

(2) At the end of the 90-day period, a follow-up review will be conducted by an AMH approved reviewer.

(c) The provider shall forward a copy of the amended fidelity review report to AMH.

(3) If the 90-day re-review results in a score of less than 100, the agency's designation as a Qualified SE Provider may be suspended for up to one calendar year.

Stat. Auth.: ORS 413.042, 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705, 430.715

Hist.: MHS 5-2013, f. & cert. ef. 6-5-13; Renumbered from 309-016-0837, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0480

Failure to Meet Fidelity Standards

If a Qualified SE Provider does not receive a minimum score of 100 on a fidelity review, the following shall occur:

(1) Technical assistance shall be made available for a period of 90-days to address problem areas identified in the fidelity review.

(2) At the end of the 90-day period, a follow-up review will be conducted by an AMH approved reviewer.

(c) The provider shall forward a copy of the amended fidelity review report to AMH.

(3) If the 90-day re-review results in a score of less than 100, the agency's designation as a Qualified SE Provider may be suspended for up to one calendar year.

Stat. Auth.: ORS 413.042, 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705, 430.715

Hist.: MHS 5-2013, f. & cert. ef. 6-5-13; Renumbered from 309-016-0837, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0490

Failure to Meet Fidelity Standards

(1) ACT is an evidence-based practice for individuals with a serious mental illness.

(2) ACT is characterized by:

- (a) A team approach;
- (b) In vivo services;
- (c) A caseload of approximately 10:1;
- (d) Time-unlimited services;
- (e) Flexible service delivery;
- (f) A fixed point of responsibility; and
- (g) 24/7 crisis availability

(3) ACT services include, but are not limited to:

- (a) Hospital discharge planning;
- (b) Case management;
- (c) Symptom management;
- (d) Psychiatry services;
- (e) Nursing services;
- (f) Co-occurring substance use disorder services;
- (g) Vocational services;
- (h) Life skills training; and/or
- (i) Peer support services.

Stat. Auth.: ORS 413.042, 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705, 430.715

Hist.: MHS 5-2013, f. & cert. ef. 6-5-13; Renumbered from 309-016-0840, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0500

ACT Fidelity Requirements

(1) In order to maintain designation as a Qualified ACT Provider, an agency must submit to AMH an annual fidelity review report by an AMH approved reviewer, with a minimum score of 114.

(2) Qualified Providers achieving a fidelity score of 128 or better are eligible to extend their review period to every 18 months.

(3) Fidelity reviews will be conducted utilizing the Substance Abuse and Mental Health Services ACT Toolkit Fidelity Scale, available at www.oregon.gov/oha/amh

(4) Providers approved by AMH to bill Medicaid for ACT services prior to January 1, 2013, will be deemed Qualified ACT Providers through July 1, 2014. In order to maintain their designation as a Qualified ACT Provider, these providers must submit to AMH, prior to July 1, 2014, a copy of a fidelity review conducted by an AMH approved ACT Fidelity Reviewer with a minimum score of 114.

Stat. Auth.: ORS 413.042, 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705, 430.715

Hist.: MHS 5-2013, f. & cert. ef. 6-5-13; Renumbered from 309-016-0850, DMAP 48-2014, f. & cert. ef. 8-1-14

410-172-0510

Failure to Meet Fidelity Standards

If a Qualified ACT Provider does not receive a minimum score of 114 on a fidelity review, the following shall occur:

(1) Technical assistance shall be made available for a period of 90-days to address problem areas identified in the fidelity review.

(2) At the end of the 90-day period, a follow-up review will be conducted by an AMH approved reviewer.

(3) The provider shall forward a copy of the amended fidelity review report to AMH.

(4) If the 90-day re-review results in a score of less than 114, the agency's designation as a Qualified ACT Provider may be suspended for up to one calendar year.

Stat. Auth.: ORS 413.042, 430.640

Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705, 430.715

Hist.: MHS 5-2013, f. & cert. ef. 6-5-13; Renumbered from 309-016-0855, DMAP 48-2014, f. & cert. ef. 8-1-14

.....

Rule Caption: Amending Prior Authorization Guide — March 27, May 29, July 31, 2014 DUR/P&T Action

Adm. Order No.: DMAP 49-2014(Temp)

Filed with Sec. of State: 8-13-2014

Certified to be Effective: 8-13-14 thru 1-11-15

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:

Central Nervous (CNS) Sedatives — Non Benzodiazepines — updated criteria.

Central Nervous (CNS) Sedatives — Quantity Limit — updated criteria.

Central Nervous (CNS) Sedatives — Therapy duplication — updated criteria.

Hepatitis B Antivirals — updated criteria.

Ivacaftor (Kalydeco®) — updated criteria.

Multi-Vitamins and Antioxidant Multivitamin Combinations — new criteria.

Hormones Testosterone — updated criteria.

Oral Direct Factor Xa inhibitor — updated criteria.

Oral Direct Thrombin inhibitor — updated criteria.

Platelet inhibitor — updated criteria.

Sofosbuvir (Sovaldi®) — 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.

ADMINISTRATIVE RULES

(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 Health Evidence Review Commission (HERC) Prioritized List of Health Services (OAR 410-141-0480 through 410-141-0520). If the medication is for a non-covered diagnosis, the medication shall not be covered unless there is a comorbid 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 Oregon Medicaid Fee-For-Service Prior Authorization Approval Criteria (PA Criteria guide) dated August 13, 2014, incorporated in rule by reference and found on our website at: <http://www.dhs.state.or.us/policy/healthplan/guides/pharmacy/clinical.html>

(4) The Authority may require PA for individual drugs and categories of drugs to ensure medically appropriate use or to address potential client safety risk associated with the particular drug or category of drug, as recommended by the Pharmacy & Therapeutics Committee (P&T) and adopted by the Authority in this rule (see OAR 410-121-0100 for a description of the DUR program). The drugs and categories of drugs for which the Authority requires PA for this purpose are found in the Pharmacy PA Criteria Guide.

(5) New drugs shall be evaluated when added to the weekly upload of the First Databank drug file:

(a) If the new drug is in a class where current PA criteria apply, all associated PA criteria shall be required at the time of the drug file load;

(b) If the new drug is indicated for a condition below the funding line on the Prioritized List of Health Services, PA shall be required to ensure that the drug is prescribed for a condition funded by OHP;

(c) PA criteria for all new drugs shall be reviewed by the DUR/P&T Committee.

(6) PA is required for brand name drugs that have two or more generically equivalent products available and that are NOT determined Narrow Therapeutic Index drugs by the Oregon DUR/P&T Committee:

(a) Immunosuppressant drugs used in connection with an organ transplant must be evaluated for narrow therapeutic index within 180 days after United States patent expiration;

(b) Manufacturers of immunosuppressant drugs used in connection with an organ transplant must notify the department of patent expiration within 30 days of patent expiration for (5)(a) to apply;

(c) Criteria for approval are:

(A) If criteria established in subsection (3) or (4) of this rule applies, follow that criteria;

(B) If (6)(A) does not apply, the prescribing practitioner must document that the use of the generically equivalent drug is medically contraindicated and provide evidence that either the drug has been used and has failed or that its use is contraindicated based on evidence-based peer reviewed literature that is appropriate to the client's medical condition.

(7) PA is required for non-preferred Preferred Drug List (PDL) products in a class evaluated for the PDL except in the following cases:

(a) The drug is a mental health drug as defined in OAR 410-121-0000;

(b) The original prescription is written prior to 1/1/10;

(c) The prescription is a refill for the treatment of seizures, cancer, HIV or AIDS; or

(d) The prescription is a refill of an immunosuppressant.

(8) PA may not be required:

(a) When the prescription ingredient cost plus the dispensing fee is less than the PA processing fees as determined by the Authority;

(b) For over-the-counter (OTC) covered drugs when prescribed for conditions covered under OHP or;

(c) If a drug is in a class not evaluated from the Practitioner-Managed Prescription Drug Plan under ORS 414.334.

Stat. Auth.: ORS 409.110, 413.042, 414.065, 414.325, 414.334

Stats. Implemented: ORS 414.065

Hist.: AFS 56-1989, f. 9-28-89, cert. ef. 10-1-89; AFS 2-1990, f. & cert. ef. 1-16-90; HR 29-1990, f. 8-31-90, cert. ef. 9-1-90, Renumbered from 461-016-0170; HR 10-1991, f. & cert. ef. 2-19-91; HR 14-1993, f. & cert. ef. 7-2-93; HR 25-1994, f. & cert. ef. 7-1-94; HR 6-1995, f. 3-31-95, cert. ef. 4-1-95; HR 18-1996(Temp), f. & cert. ef. 10-1-96; HR 8-1997, f. 3-13-97, cert. ef. 3-15-97; OMAP 1-1999, f. & cert. ef. 2-1-99; OMAP 29-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 31-2001, f. 9-24-01, cert. ef. 10-1-01; OMAP 44-2002, f. & cert. ef. 10-1-02; OMAP 66-2002, f. 10-31-02, cert. ef. 11-1-02; OMAP 29-2003, f. 3-31-03, cert. ef. 4-1-03; OMAP 40-2003, f. 5-27-03, cert. ef. 6-1-03; OMAP 43-2003(Temp), f. 6-10-03, cert. ef. 7-1-03 thru 12-15-03; OMAP 49-2003, f. 7-31-03, cert. ef. 8-1-03; OMAP 84-2003, f. 11-25-03, cert. ef. 12-1-03; OMAP 87-2003(Temp), f. & cert. ef. 12-15-03 thru 5-15-04; OMAP 9-2004, f. 2-27-04, cert. ef. 3-1-04; OMAP 71-2004, f. 9-15-04, cert. ef. 10-1-04; OMAP 74-2004, f. 9-23-04, cert. ef. 10-1-04; OMAP 89-2004, f. 11-24-04, cert. ef. 12-1-04; OMAP 4-2006(Temp), f. & cert. ef. 3-15-06 thru 9-7-06; OMAP 32-2006, f. 8-31-06, cert. ef. 9-1-06; OMAP 41-2006, f. 12-15-06, cert. ef. 1-1-07; DMAP 4-2007, f. 6-14-07, cert. ef. 7-1-07; DMAP 26-2007, f. 12-11-07, cert. ef. 1-1-08; DMAP 9-2008, f. 3-31-08, cert. ef. 4-1-08; DMAP 16-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 34-2008, f. 11-26-08, cert. ef. 12-1-08; DMAP 14-2009 f. 6-12-09, cert. ef. 7-1-09; DMAP 39-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 17-2010, f. 6-15-10, cert. ef. 7-1-10; DMAP 40-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 27-2011(Temp), f. & cert. ef. 9-30-11 thru 3-15-12; DMAP 44-2011, f. 12-21-11, cert. ef. 1-1-12; DMAP 12-2012(Temp), f. & cert. ef. 3-16-12 thru 9-11-12; DMAP 18-2012, f. 3-30-12, cert. ef. 4-9-12; DMAP 23-2012(Temp), f. & cert. ef. 4-20-12 thru 10-15-12; DMAP 27-2012(Temp), f. & cert. ef. 5-14-12 thru 10-15-12; DMAP 29-2012, f. & cert. ef. 6-21-12; DMAP 33-2012(Temp), f. 7-18-12, cert. ef. 7-23-12 thru 1-18-13; DMAP 40-2012(Temp), f. & cert. ef. 8-20-12 thru 1-18-13; DMAP 44-2012(Temp), f. & cert. ef. 9-26-12 thru 1-18-13; DMAP 61-2012, f. 12-27-12, cert. ef. 1-1-13; DMAP 6-2013(Temp), f. & cert. ef. 2-21-13 thru 8-19-13; DMAP 23-2013(Temp), f. 4-30-13, cert. ef. 5-1-13 thru 8-19-13; 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 14-2014(Temp), f. & cert. ef. 3-21-14 thru 9-17-14; DMAP 27-2014(Temp), f. & cert. ef. 5-2-14 thru 6-30-14; DMAP 38-2014, f. & cert. ef. 6-30-14; DMAP 46-2014(Temp), f. & cert. ef. 7-15-14 thru 1-11-15; DMAP 49-2014(Temp), f. & cert. ef. 8-13-14 thru 1-11-15

Rule Caption: Final Orders, Dismissals, and Withdrawals; Contested Case Appeals

Adm. Order No.: DMAP 50-2014(Temp)

Filed with Sec. of State: 8-14-2014

Certified to be Effective: 8-15-14 thru 2-11-15

Notice Publication Date:

Rules Amended: 410-200-0145, 410-200-0146

Subject: OAR 410-200-0146 about final orders, dismissals, and withdrawals in DMAP OCCS medical program hearings is being amended to state that an untimely request for hearing is referred to the Office of Administrative Hearings to determine whether the claimant received the notice. The term "appeal" is changed to "hearing." This amendment reflects Oregon Health Authority's actual process and makes it consistent with ORS 413.038(3).

OAR 410-200-0145 about contested case appeals is being amended to change the term "appeal" to "hearing" in order to make it consistent with state statutes, Department of Justice model rules, and 410-200-0146.

Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-200-0145

Contested Case Hearing

(1) For the purposes of this rule, timely means within 90 days of the date the notice of adverse action is received.

(2) This rule applies to contested case hearings for programs described in OAR chapter 410 division 200. Contested case hearings are conducted in accordance with the Attorney General's model rules 137-003-0501 and following ORS 183 except to the extent that Authority rules provide for different procedures.

(3) The Authority's contested case hearings governed by this rule are not open to the public and are closed to nonparticipants, except nonparticipants may attend subject to the parties' consent and applicable confidentiality laws.

(4) A claimant may request a contested case hearing upon the timely completion of a hearing request in medical assistance programs in the following situations:

(a) The Authority has not approved or denied an application within 45 days of the date of request for benefits or the extended time the Authority has allowed for processing;

(b) The Authority acts to deny, reduce, close, or suspend medical assistance, including the denial of continued benefits pending the outcome of a contested case hearing;

(c) The Authority claims that an earlier medical assistance payment was an overpayment;

(d) A claimant claims that the Authority previously under issued medical assistance;

(e) A claimant disputes the current level of benefits.

ADMINISTRATIVE RULES

(5) An officer or employee of the Authority or the Department of Human Services may appear on behalf of the Authority in medical assistance hearings described in this rule. The Authority's lay representative may not make legal argument on behalf of the Authority.

(6) The Authority representative is subject to the Code of Conduct for Non-Attorney Representatives at Administrative Hearings, which is maintained by the Oregon Department of Justice and available on its website at <http://www.doj.state.or.us>. An Authority representative appearing under this rule must read and be familiar with it.

(7) When an Authority representative is used, requests for admission and written interrogatories are not permitted.

(8) The Authority representative and the claimant may have an informal conference in order to:

(a) Provide an opportunity to settle the matter;

(b) Review the basis for the eligibility determination, including reviewing the rules and facts that serve as the basis for the decision;

(c) Exchange additional information that may correct any misunderstandings of the facts relevant to the eligibility determination; or

(d) Consider any other matters that may expedite the orderly disposition of the hearing.

(9) A claimant who is receiving medical assistance benefits and who is entitled to a continuing benefit decision notice may, at the option of the claimant, receive continuing benefits in the same manner and amount until a final order resolves the contested case. In order to receive continuing benefits, a claimant must request a hearing not later than:

(a) The tenth day following the date the notice is received; and

(b) The effective date of the action proposed in the notice.

(10) The continuing benefits are subject to modification based on additional changes affecting the claimant's eligibility or level of benefits.

(11) When a claimant contests the denial of continuing benefits, the claimant shall receive an expedited hearing.

(12) In computing timeliness under sections (1) and (9) of this rule:

(a) Delay caused by circumstances meeting the good cause criteria described in OAR 137-003-0501(7) may not be counted; and

(b) The notice is considered to be received on the fifth day after the notice is sent unless the claimant shows the notice was received later or was not received.

Stat. Auth.: ORS 411.404, 411.816, 412.014, 412.049 & 413.042

Stats. Implemented: ORS 183.452, 411.060, 411.404, 411.816, 412.014 & 412.049

Hist.: DMAP 54-2013(Temp), f. & cert. ef. 10-1-13 thru 3-30-14; DMAP 4-2014(Temp), f. & cert. ef. 1-15-14 thru 3-30-14; DMAP 20-2014, f. & cert. ef. 3-28-14; DMAP 50-2014(Temp), f. 8-14-14, cert. ef. 8-15-14 thru 2-11-15

410-200-0146

Final Orders, Dismissals and Withdrawals

(1) When the Authority refers a contested case under chapter 410 division 200 to the Office of Administrative Hearings (OAH), the Authority must indicate on the referral:

(a) Whether the Authority is authorizing a proposed order, a proposed and final order, or a final order; and

(b) If the Authority establishes an earlier deadline for written exceptions and argument because the contested case is being referred for an expedited hearing.

(2) When the Authority authorizes either a proposed order or a proposed and final order:

(a) The claimant may file written exceptions and written argument to be considered by the Authority. The exceptions and argument must be received at the location indicated in the OAH order not later than the 20th day after service of the proposed order or proposed and final order, unless section (1)(b) of this rule applies;

(b) The Authority shall issue the final order after OAH issues a proposed order, unless the Authority requests that OAH issue the final order pursuant to OAR 137-003-0655.

(c) The Proposed and final order becomes a final order on the 21st day after the service the proposed and final order, if the claimant does not submit timely exceptions or arguments following a proposed and final order, unless:

(A) The Authority has issued a revised order; or

(B) The Authority has notified the claimant and OAH that the Authority shall issue the final order.

(d) The Authority shall issue the final order when the Authority receives timely exceptions or argument, unless the Authority requests that OAH issue the final order.

(3) In a contested case hearing, if the OAH is authorized to issue a final order on behalf of the Authority, the Authority may issue the final order in the case of default.

(4) A petition by a claimant for reconsideration or rehearing must be filed with the individual who signed the final order unless stated otherwise on the final order.

(5) A final order is effective immediately upon being signed or as otherwise provided in the order. Delay due to a postponement or continuance granted at the claimant's request may not be counted in computing time limits for a final order. A final order shall be issued or the case otherwise shall be resolved no later than:

(a) Ninety days following the date of the hearing for the standard hearing time frame.

(b) Three working days after the date the OAH hears an expedited hearing.

(6) In the event a request for a hearing is not timely or the claimant has no right to a contested case hearing on an issue, and there are no factual disputes about whether this division of rules provides a right to a hearing, the Authority may issue an order accordingly. The Authority may refer an untimely request to the OAH for a hearing on timeliness or on the question of whether the claimant has the right to a contested case hearing.

(7) If the Authority serves a decision notice on the claimant by regular or electronic mail and the Authority receives an untimely hearing request from the claimant within 75 days from the date the decision notice became a final order, then one of the following shall occur:

(a) If the Authority finds that the claimant did not receive the decision notice and did not have actual knowledge of the notice, the Authority shall refer the hearing request to the OAH for a contested case hearing on the merits of the Authority's action described in the notice; or

(b) If there is a factual dispute regarding the claimant's receipt or knowledge of the notice, the Authority shall refer the hearing request to the OAH for a contested case hearing to determine whether the claimant received or had actual knowledge of the notice. The Authority has the burden to prove by a preponderance of the evidence that the claimant had actual knowledge of the notice or that the Authority mailed the notice to the claimant's correct mailing address or sent an electronic notice to the claimant's correct electronic mail address according to the information the claimant provided to the Authority.

(8) If the Authority receives an untimely hearing request from the claimant, regardless of the manner in which the Authority served the decision notice on the claimant, then:

(a) If the Authority finds that the claimant's hearing request was untimely for good cause as defined in OAR 137-003-0501(7), the Authority shall refer the hearing request to the OAH for a contested case hearing on the merits of the Authority's action described in the notice; or

(b) If there is a factual dispute regarding the existence of good cause, the Authority shall refer a hearing request to the OAH for a contested case hearing to determine whether there was good cause as defined in OAR 137-003-0501(7) for the claimant's delay in submitting the hearing request to the Authority.

(c) Any hearing request is treated as timely when required under the Servicemembers Civil Relief Act.

(d) The Authority may dismiss a hearing request as untimely if the claimant does not qualify for a hearing under sections 8(a), (b), or (c).

(9) A claimant may withdraw a hearing request at any time before a final order has been issued on the contested case. When a claimant withdraws a hearing request:

(a) The Authority shall send an order confirming the withdrawal to the claimant's last known address.

(b) The claimant may cancel the withdrawal in writing. The withdrawal must be received by the Authority hearing representative no later than the tenth working day following the date the Authority sent the order confirming the withdrawal.

(10) A hearing request is dismissed by order by default when neither the claimant nor the claimant's representative appears at the time and place specified for the hearing. The order is effective on the date scheduled for the hearing. The Authority shall cancel the dismissal order on request of the claimant on a showing that the claimant was unable to attend the hearing and unable to request a postponement due to circumstances meeting the good cause criteria described in OAR 137-003-0501(7).

Stat. Auth.: ORS 183.341, 413.042, 411.060, 411.404, 411.408, 411.816, 412.014 & 412.049

Stats. Implemented: ORS 183.341, 411.060, 411.404, 411.408, 411.816, 412.014 & 412.049

Hist.: DMAP 54-2013(Temp), f. & cert. ef. 10-1-13 thru 3-30-14; DMAP 4-2014(Temp), f. & cert. ef. 1-15-14 thru 3-30-14; DMAP 20-2014, f. & cert. ef. 3-28-14; DMAP 50-2014(Temp), f. 8-14-14, cert. ef. 8-15-14 thru 2-11-15

ADMINISTRATIVE RULES

Oregon Health Authority, Oregon Educators Benefit Board Chapter 111

Rule Caption: Amendments made to clarify local government participation requirements in OEBB

Adm. Order No.: OEBB 3-2014

Filed with Sec. of State: 7-22-2014

Certified to be Effective: 7-22-14

Notice Publication Date: 5-1-2014

Rules Amended: 111-020-0010

Subject: Amendments to 111-020-0010 are to clarify participation requirements for local governments electing to join the Oregon Educators Benefit Board program.

Rules Coordinator: April Kelly—(503) 378-6588

111-020-0010

Entities Electing to Join OEBB

(1) Effective January 1, 2014 an Entity can elect to participate in benefit plans provided by the Board subject to the following conditions:

(a) The Entity or completes and submits a Notice of Intent to join OEBB at least 90 days prior to the date OEBB coverage is to go into effect;

(b) OEBB will not transfer any deductibles or annual out-of-pocket maximums met with the prior carrier;

(c) For those members with an existing life insurance policy through the Entity, OEBB will transfer the life insurance amount in force on the last day the prior group coverage was in effect, rounded to the next highest \$10,000 increment, if requested and documented by the Entity.

(d) Early retiree participation in the OEBB plans will be limited to those individuals and eligible dependents currently enrolled in the Entity's medical, dental and/or vision plans and those Early Retirees who retire on or after the effective date of OEBB coverage and their eligible dependents.

(2) A Local Government must provide OEBB with medical plan premium rates and loss ratios for the two most-recent years, if available, with its Notice of Intent to join OEBB to allow OEBB's Consultant to perform an actuarial plan comparison. For self-funded groups, two years of claims experience data should be submitted in lieu of premium rates or loss ratios. The results of the actuarial analysis shall be used as follows:

(a) If the actuarial plan comparison for a Local Government demonstrates that costs are less than 10 percent over OEBB's costs during the same two-year period, the Local Government may participate in the OEBB plan(s) at current OEBB rates.

(b) If an actuarial plan comparison for a Local Government demonstrates that costs are equal to or greater than 10 percent higher than OEBB's costs during the same two year period, the Local Government may participate in the OEBB plan(s) subject to a special rate category, or surcharge, for up to three years.

(3) The Local Government must submit a final Letter of Participation to OEBB at least 30 days prior to the effective date of participation.

(4) Local Governments providing a cash incentive to a member for opting-out of medical coverage that exceeds 75 percent of the cost of employee only coverage of the lowest cost OEBB medical plan may be assessed a surcharge of up to \$100 per month per opt-out election.

(5) Local Governments who elect to participate in benefit plans provided by the Board and then subsequently elect to leave OEBB and offer a plan or plans available through the health insurance exchange may re-elect to participate in benefit plans provided by the Board under the rate category the Local Government was in just prior to leaving OEBB on a one-time basis provided the Local Government completes and submits a Letter of Participation to OEBB at least 60 days prior to the date OEBB coverage is to go into effect.

(6) Once a Local Government re-elects to participate in benefit plans provided by the Board after leaving, they are not eligible to offer alternative plans through any other source or sponsor.

Stat. Auth.: ORS 243.860 – 243.886

Stats. Implemented: ORS 243.864(1)(a), 243.867

Hist.: OEBB 11-2013(Temp), f. & cert. ef. 10-11-13 thru 4-8-13; OEBB 22-2013, f. & cert. ef. 12-27-13; OEBB 3-2014, f. & cert. ef. 7-22-14

.....

Rule Caption: Updates made to plan selection offerings as well as other housekeeping amendments

Adm. Order No.: OEBB 4-2014(Temp)

Filed with Sec. of State: 7-31-2014

Certified to be Effective: 7-31-14 thru 1-27-15

Notice Publication Date:

Rules Amended: 111-070-0005, 111-070-0030, 111-070-0040

Subject: Amendments made to 111-070-0005 update the plan selection offerings for this population of eligible individuals. House-keeping amendments made to 111-070-0030 and 0040 to keep language consistent with other OEBB Oregon Administrative Rules.

Rules Coordinator: April Kelly—(503) 378-6588

111-070-0005

Plan Selections

(1) HB 2557 eligible members will use the tiered rate structure and may elect to enroll in the following plans:

(a) Kaiser Permanente Plan 3 (limited to OEBB members in the Kaiser service area),

(b) Moda Health Plan E,

(c) Moda Health Plan G,

(d) Moda Health Plan H (limited to members who qualify for and contribute to a Health Savings Account (HSA).

(2) If enrolling in a Moda Health medical plan, the HB 2557 eligible member may elect to enroll in the Statewide option (ODS Plus Network) or the Synergy or Summit network plan option if the HB 2557 member lives or works in an area where the Synergy or Summit network is available.

Stat. Auth.: ORS 243.860 – 243.886

Stats. Implemented 243.864(1)(a)

Hist.: OEBB 4-2010, f. & cert. ef. 3-15-10; OEBB 7-2013(Temp), f. & cert. ef. 7-12-13 thru 1-7-14; OEBB 17-2013, f. & cert. ef. 10-23-13; OEBB 4-2014(Temp), f. & cert. ef. 7-31-14 thru 1-27-15

111-070-0030

Termination

(1) OEBB coverage will be terminated under the following circumstances:

(a) Premiums are not paid in full by the due date. Coverage is contingent upon the receipt of the full monthly premium payment. Coverage will be terminated on the last day of the month in which premiums were paid in full; or

(b) Upon notification and confirmation that an individual was not eligible for benefits due to adjustments that affect the individual's PERS membership. Coverage will be terminated on the last day of the month in which OEBB receives confirmation of ineligibility; or

(c) Upon notification and confirmation that an individual was not eligible for benefits due to not being a teaching or research faculty member during the calendar year upon which eligibility determination was based. Coverage will be terminated on the last day of the month in which OEBB receives confirmation of ineligibility.

(2) Eligibility for PERS membership is lost during the previous calendar year. Coverage will be terminated on the September 30th following the calendar year in which PERS membership is lost.

(3) Upon loss of OEBB coverage due to a Qualified Status Change (QSC), HB 2557 eligible members and their eligible dependents will have COBRA rights. Cancellation due to failure to make a premium payment does not constitute COBRA rights.

Stat. Auth.: ORS 243.860 – 243.886

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

Hist.: OEBB 4-2010, f. & cert. ef. 3-15-10; OEBB 14-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 1-29-11; OEBB 5-2011, f. & cert. ef. 2-11-11; OEBB 4-2014(Temp), f. & cert. ef. 7-31-14 thru 1-27-15

111-070-0040

Qualified Status Changes (QSC's)

(1) HB 2557 eligible members experiencing a change in family status the plan year, have 31 calendar days beginning on the date of the event to make changes. If the event is gaining a child, as defined by 111-070-0040(2)(c), or results in a loss of eligibility, the eligible member has 60 calendar days after the event to make changes.

(a) The member must report the Qualified Status Change (QSC) to the Oregon Educators Benefit Board within the specified timeframe. Failure to report a QSC that would result in a removal of a spouse, domestic partner or child within the timeframe stated in 111-070-0040(1) may be considered intentional misrepresentation by OEBB and OEBB may retroactively terminate the individuals coverage back to the last day of the month in which the individual lost eligibility. If benefits are to be terminated retroactively, OEBB shall give the affected individual 30 days' notice of the termination and an opportunity to appeal before the retroactive termination takes effect.

(b) The member's failure to report timely a QSC that allows the addition of a spouse, domestic partner, or child means that the individual does not have coverage. The next opportunity the HB 2557 eligible member has

ADMINISTRATIVE RULES

to add their spouse, domestic partner, or child will be during open enrollment.

(2) The HB 2557 eligible member can only make those changes that are consistent with the event for themselves and eligible dependent(s).

(3) Qualified Status Changes which allow the member to make changes to his or her coverage are:

(a) Gaining a spouse by marriage or domestic partner by meeting domestic partner eligibility;

(b) Loss of a spouse or domestic partner by divorce, annulment, death or termination of domestic partnership,

(c) Gaining a child by birth, placement for/or adoption, or Domestic Partner's children (by affidavit of domestic partnership), 60 days from the event;

(d) Event by which dependent child satisfies eligibility requirements under OEBB plans;

(e) Event by which dependent ceases to satisfy eligibility requirements under OEBB plans;

(f) Related laws or court orders. For example: Qualified Medical Child Support Order (QMSCO), Entitlement to Medicare or Medicaid, HIPAA or Children's Health Insurance Program (CHIP). Changes are determined by the applicable law or court order.

(4) Changes in cost or coverage do not constitute a Qualified Status Change. All changes resulting from a change in cost or coverage must be made during Open Enrollment.

Stat. Auth.: ORS 243.860 – 243.886

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

Hist.: OEBB 4-2010, f. & cert. ef. 3-15-10; OEBB 14-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 1-29-11; OEBB 5-2011, f. & cert. ef. 2-11-11; OEBB 4-2014(Temp), f. & cert. ef. 7-31-14 thru 1-27-15

**Oregon Health Authority,
Public Health Division
Chapter 333**

Rule Caption: Amendment of requirement for notification of patient choice

Adm. Order No.: PH 21-2014(Temp)

Filed with Sec. of State: 7-28-2014

Certified to be Effective: 7-28-14 thru 1-24-15

Notice Publication Date:

Rules Amended: 333-072-0215

Subject: The Oregon Health Authority (Authority), Public Health Division is temporarily amending OAR 333-072-0215 pertaining to requirements for notification of patient choice. By temporarily amending 333-072-0215, the agency will reconsider the requirement to provide notification of patient choice every time a referral is made outside of an emergency department or in-patient setting. Additionally, this temporary amendment will allow the Authority ample time to convene another Rules Advisory Committee to revisit the notification requirements.

Rules Coordinator: Brittany Sande—(971) 673-1291

333-072-0215

Requirements for Notification of Patient Choice

(1) A referral for a diagnostic test or health care treatment or service shall be based on the patient's clinical needs and personal health choices.

(2) A health practitioner shall not deny, limit or withdraw a referral solely because the patient chooses to have the diagnostic test or health care treatment or service at a facility other than the one recommended by the health practitioner.

(3) The written notice of patient choice shall include language that clearly informs the patient that:

(a) The patient has a choice and when referred to a facility for a diagnostic test or health care treatment or service the patient may receive the diagnostic test or health care treatment or service at a facility other than the one recommended by the health practitioner;

(b) If the patient chooses to have the diagnostic test, health care treatment or service at a facility different from the one recommended by a practitioner, the patient is responsible for determining the extent of coverage or the limitation on coverage for the diagnostic test, health care treatment or service at the facility chosen by the patient.

(c) A health practitioner shall not deny, limit or withdraw a referral solely because the patient chooses to have the diagnostic test or health care treatment or service at a facility other than the one recommended by the health practitioner.

Stat. Auth.: ORS 441.098

Stats. Implemented: ORS 441.092, OL 2013, ch. 552

Hist.: PH 15-2014, f. & cert. ef. 6-2-14; PH 21-2014(Temp), f. & cert. ef. 7-28-14 thru 1-24-15

Rule Caption: Addition of clarifying language to previously filed temporary rules in regards to patient notification

Adm. Order No.: PH 22-2014(Temp)

Filed with Sec. of State: 8-7-2014

Certified to be Effective: 8-7-14 thru 1-24-15

Notice Publication Date:

Rules Amended: 333-072-0215

Subject: The Oregon Health Authority (Authority), Public Health Division temporarily amended OAR 333-072-0215 on July 28, 2014 pertaining to requirements for notification of patient choice. By temporarily amending OAR 333-072-0215, the agency is able to reconsider the requirement to provide notification of patient choice every time a referral is made outside of an emergency department or in-patient setting. Additionally, this temporary amendment allows the Authority ample time to convene another Rules Advisory Committee to revisit the notification requirements.

After further review, it was noticed that the language in regards to how the notice was given, was not clear. The Authority is filing OAR 333-072-0215 again in order to add in "or oral" under OAR 333-072-0215(3). The expiration of these temporary rules will remain the same.

Rules Coordinator: Brittany Sande—(971) 673-1291

333-072-0215

Requirements for Notification of Patient Choice

(1) A referral for a diagnostic test or health care treatment or service shall be based on the patient's clinical needs and personal health choices.

(2) A health practitioner shall not deny, limit or withdraw a referral solely because the patient chooses to have the diagnostic test or health care treatment or service at a facility other than the one recommended by the health practitioner.

(3) The written or oral notice of patient choice shall include language that clearly informs the patient that:

(a) The patient has a choice and when referred to a facility for a diagnostic test or health care treatment or service the patient may receive the diagnostic test or health care treatment or service at a facility other than the one recommended by the health practitioner;

(b) If the patient chooses to have the diagnostic test, health care treatment or service at a facility different from the one recommended by a practitioner, the patient is responsible for determining the extent of coverage or the limitation on coverage for the diagnostic test, health care treatment or service at the facility chosen by the patient.

(c) A health practitioner shall not deny, limit or withdraw a referral solely because the patient chooses to have the diagnostic test or health care treatment or service at a facility other than the one recommended by the health practitioner.

Stat. Auth.: ORS 441.098

Stats. Implemented: ORS 441.092, OL 2013, ch. 552

Hist.: PH 15-2014, f. & cert. ef. 6-2-14; PH 21-2014(Temp), f. & cert. ef. 7-28-14 thru 1-24-15; PH 22-2014(Temp), f. & cert. ef. 8-7-14 thru 1-24-15

Rule Caption: Pool closure criteria to the public swimming pool and public spa pool rules

Adm. Order No.: PH 23-2014

Filed with Sec. of State: 8-15-2014

Certified to be Effective: 9-1-14

Notice Publication Date: 5-1-2014

Rules Adopted: 333-060-0700, 333-060-0705, 333-062-0250, 333-062-0255

Rules Amended: 333-060-0075, 333-060-0105, 333-060-0128, 333-060-0145, 333-060-0165, 333-060-0170, 333-060-0205, 333-060-0505, 333-062-0070, 333-062-0080, 333-062-0103, 333-062-0120, 333-062-0145, 333-062-0150, 333-062-0170

Subject: The Oregon Health Authority, Public Health Division is permanently adopting and amending Oregon Administrative Rules in chapter 333, division 60, Public Swimming Pools, and chapter 333, division 62, Public Spa Pools, related to inspection enforcement

ADMINISTRATIVE RULES

and pool closure criteria. The proposed rules help address the concerns of public pool and spa license holders and operators concerning when a pool or spa should be closed because of an immediate danger to the health and safety of the public and bathers.

The changes to both divisions are largely identical. There are also some supporting changes to implement and complement the new rules, and the references to other documents in the rules have been updated.

Rules Coordinator: Brittany Sande—(971) 673-1291

333-060-0075

Ventilation

(1) A public swimming pool or public wading pool license holder must ensure that there is sufficient ventilation to prevent build-up of harmful amounts of moisture or chemical byproducts in the air of buildings enclosing swimming pools and public wading pools.

(2) A public swimming pool or public wading pool built or renovated after September 1, 2014, and enclosed in a building must have a ventilation system that complies with the requirements of the **Oregon Structural Specialty Code, 2014 Edition**, and the **Oregon Mechanical Specialty Code, 2014 Edition**, both incorporated by reference.

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

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.005 - 448.100, 448.990

Hist.: HD 2-1979, f. 1-25-79, ef. 3-1-79, Renumbered from 333-042-0118; HD 7-1986, f. & ef. 5-1-86; HD 22-1994, f. 8-22-94, cert. ef. 9-1-94; PH 17-2006, f. 6-30-06, cert. ef. 7-1-06; PH 23-2014, f. 8-15-14, cert. ef. 9-1-14

333-060-0105

Swimming Pool Enclosure

A pool license holder must ensure that:

(1) A public swimming pool is protected by an enclosure such as a fence, wall, or building without private entrances to the pool area; and

(2) Swimming and wading pool enclosures, except as provided in OAR 333-060-0505(9), including windows, gates and doors are constructed in such a manner so as to discourage access to the pool by unsupervised children and domestic animals and incorporate the following construction standards:

(a) Enclosures shall be not less than four feet (1.2m) in height measured from the outside ground level at a point one foot (300 mm) horizontal from the base of the enclosure;

(b) There shall be not more than four inches (100 mm) of space between the bottom of the enclosure and the ground's surface or pool deck;

(c) Separation between vertical sections and bars shall be a maximum of four inches (100 mm);

(d) Horizontal rails shall be spaced with a minimum 42 inches (1065 mm) separation;

(e) All exterior projections or recessions shall be 42 inches (1065 mm) from either the top or bottom of the fence;

(f) Gates and doors in swimming pool enclosures shall be self-closing and shall be equipped with a lockable self-latching device. The operating controls for the self-latching device shall be located at least 42 inches (1065 mm) above the exterior ground surface or pool deck. Gates and doors on new pools must swing "out" of the pool enclosure, or away from the pool. Existing pools must make the door or gate swing change when the change is not highly burdensome or impractical due to special conditions or cause.

(g) Entrances with self-closing and self-locking devices requiring the use of a key, keycard, or combination code to gain access may have controls 36 inches to 54 inches (0.9 m to 1.35 m) above the exterior ground surface. The gates or doors cannot require a key, keycard or combination code to exit the pool area;

(h) Construction methods and materials shall be used that provide a durable and low maintenance structure; and

(i) Buildings constructed on or after September 1, 2014 and buildings enclosing swimming pools that are remodeled or renovated on or after September 1, 2014 shall be constructed in accordance with the requirements of the Oregon Structural Specialty Code 2014 Edition.

(3) The Division may approve alternate enclosure materials and methods where the Division finds such materials and methods equivalent to those described in section (2) of this rule.

(4) Swimming pool enclosures constructed prior to March 1, 1979, which are a minimum of 42 inches (105cm) in height; or with spacing not greater than five inches (13cm) between vertical boards (bars); or with spacing not greater than five inches (13cm) between the bottom of the fence and the pool deck; or with spaces between the horizontal rails not less than

38 inches (95cm), shall be acceptable until such time as the enclosure requires repair or replacement.

(a) Pools without constant supervision in the pool area may provide access through controlled entry points based on one of the following conditions:

(A) When only adults over the age of 18 are allowed access to the pool area through a controlled-access point such as a registration or check-in desk, they may have direct access to the pool without passing through closed doors or gates. The pool entry must be able to be locked and secured when the pool is closed.

(B) If persons under the age of 18 might have access to the pool area, then the operator must provide a lockable, self-closing door or gate with a self-latching device. The operating controls for the latch must be located 42 inches to 54 inches (1.2 m to 1.35 m) above the exterior ground surface; or

(b) When a pool is closed to patrons, all entry/exit points are to be properly maintained and secured against unauthorized entry.

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

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.005-448.100, 448.990

Hist.: HD 2-1979, f. 1-25-79, ef. 3-1-79; Renumbered from 333-042-0133; HD 7-1986, f. & ef. 5-1-86; HD 22-1994, f. 8-22-94, cert. ef. 9-1-94; PH 10-2007, f. & cert. ef. 7-13-07; PH 23-2014, f. 8-15-14, cert. ef. 9-1-14

333-060-0128

Submerged Suction Outlets and Drains

(1) The requirements in sections (2) and (3) of this rule apply to:

(a) A swimming pool constructed after December 25, 2009;

(b) A swimming pool constructed before December 25, 2009, that on or after July 1, 2015, has its submerged suction fittings renovated or remodeled.

(2) A swimming pool must have at least two outlets located at the lowest point of the pool floor to drain the entire floor area. Exceptions to this include:

(a) Reverse Flow Pools, where the drain is not connected to the recirculation system, but is provided for drainage of the pool through an air-gap connection to the sanitary sewer.

(b) Other suction-fitting arrangement that allows the drainage of the pool through an air-gap connection to the sanitary sewer, or other approved location, while also providing entrapment protection.

(c) Pools with no drain system, with provisions to completely drain the pool to the sanitary sewer or other approved location, by other means that have entrapment protection.

(3) A swimming pool must have submerged suction fittings installed according to the following standards:

(a) Pool main drains must be installed in the deepest part of the pool and designed to minimize tripping and toe stubbing hazards. Suction fittings must be installed to minimize tripping, toe stubbing and scrape hazards.

(b) Main drain and submerged suction outlets must be designed with sufficient open area that the maximum velocity through the cover does not exceed the cover's listed flowrate.

(c) All hardware and fittings must be supplied by the manufacturer and installed according to the manufacturer's directions.

(d) Main drain and submerged suction fitting systems must provide entrapment, hair entanglement and evisceration protection.

(A) Main drains and submerged suction fittings and sumps must be compliant with the requirements of ANSI/APSP-16, Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs (2011). The cover must be labeled and include; "VGB 2008," the logo of the third party listing agency, the standard for which it was tested, the gallons per minute of flow for which it was approved and the location it is to be placed.

(B) All submerged suction fittings must be installed with a sump designed and approved by the manufacturer for that outlet cover.

(C) All field built sumps must be designed by an Oregon registered engineer and must be built so the opening of the suction pipe is no closer than 1.5 times the pipe's inside diameter from the bottom of the listed suction cover/plate.

(D) Main drains and submerged suction fittings must be separated by at least three feet (915mm) (measured from the main drain connector pipe centerline) between the furthest fittings, or be on separate planes, placed so the floor and wall suction fittings cannot be easily blocked at the same time.

(i) The outlets must be sized to handle an equal portion of at least 200 percent of the recirculation flow.

(ii) The outlets must be installed so that they cannot be isolated from one another; no intervening valves.

ADMINISTRATIVE RULES

(iii) The piping going back to the pump must be located in the hydraulic middle of the connector piping, and must be the same size as the connector piping.

(4) If the pool operator finds that a suction fitting is broken or missing, the operator must close the pool immediately, shut down the recirculation system and remain closed until the fitting has been replaced.

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.005 - 448.100 & 448.990

Hist.: PH 16-2009, f. & cert. ef. 12-23-09; PH 23-2014, f. 8-15-14, cert. ef. 9-1-14

333-060-0145

Pool Heaters

(1) Fired water heaters installed after September 1, 1994, used exclusively for heating water for swimming pools are considered pool boilers and are exempt from the requirements of ORS 480.510 to 480.665 (Boiler and Pressure Vessel Law) if:

(a) Units are equipped with a flow switch or pressure switch set at a minimum of 1-1/2 psig;

(b) No intervening stop valves are installed on the discharge side of the unit;

(c) Discharge piping is not reduced from the engineering sizing of the fired heater;

(d) All units are equipped with an ASME-approved pressure and temperature relieving device set at 50 psig;

(e) The unit has a maximum of 10 gallons capacity contained with the unit; and

(f) The burner is wired in series with the recirculation pump.

(2) Where fuel-burning swimming pool heaters are provided for public swimming pools they shall:

(a) Be situated so that the pilot light, if present, is readily accessible;

(b) Be provided with an adequate supply of combustion air; and

(c) Be equipped with metal or chlorinated polyvinyl chloride pipe (CPVC) for a minimum of 18 inches (45cm) upstream and downstream of the heating equipment. However, where manufacturer's recommended installation allows shorter lengths of CPVC, installation according to manufacturer's recommendations is allowed in lieu of 18 inches of CPVC if documentation of manufacturer's recommendations is provided.

(3) Where electrical heaters are provided they shall be installed in accordance with the **Oregon Electrical Specialty Code, 2014 Edition**. When required by Underwriters Laboratory, metallic current collectors shall be installed on the inlet and outlet of the heater. The current collectors shall be grounded and shall be at least five pipe size diameters in length.

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

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.011

Hist.: HD 2-1979, f. 1-25-79, ef. 3-1-79; Renumbered from 333-042-0153; HD 7-1986, f. & ef. 5-1-86; HD 22-1994, f. 8-22-94, cert. ef. 9-1-94; PH 23-2014, f. 8-15-14, cert. ef. 9-1-14

333-060-0165

Ground Fault Interrupter

A certified ground-fault circuit-interrupter shall be provided on all branch circuits involved in lighting or receptacle outlets according to Article 680 of the **Oregon Electrical Specialty Code, 2014 Edition**.

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

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.011

Hist.: HD 2-1979, f. 1-25-79, ef. 3-1-79; Renumbered from 333-042-0163; HD 7-1986, f. & ef. 5-1-86; HD 22-1994, f. 8-22-94, cert. ef. 9-1-94; PH 23-2014, f. 8-15-14, cert. ef. 9-1-14

333-060-0170

Bathhouses and Sanitary Facilities

(1) A bathhouse shall be provided at all general-use swimming pools.

(2) Where a general-use swimming pool is operated in conjunction with a companion facility, a bathhouse common to both facilities shall be acceptable, provided the minimum facility ratios and locations described in sections (3), (4) and (5) of this rule are followed.

(3) Bathhouses must be maintained in good repair and kept clean.

Bathhouses built after September 1, 2014 must:

(a) Meet the requirements of:

(A) The Oregon Structural Specialty Code, 2014 Edition;

(B) The Oregon Mechanical Specialty Code, 2014 Edition;

(C) The Oregon Electrical Specialty Code, 2014 Edition;

(D) The Oregon Plumbing Specialty Code, 2014 Edition;

(b) Be located within 200 feet (61 m) of the general-use swimming pool;

(c) Have floors which are slip resistant, easily cleanable, and covered to a height of four inches (100 mm);

(d) Have shower compartments with walls, which are impervious to water to a height of six feet (1.8m) above the floor. An effective water-tight

joint between the wall and the floor shall be maintained. (Wooden racks or duck boards over shower floors are prohibited.);

(e) Have interior wall and ceiling finishes which are smooth, easily cleanable, and impervious to water;

(f) Where rubber or impervious mats are used, have such mats clean and dry between usages;

(g) Have shower stall floors that are finished with non-slip, impervious surfaces;

(h) Where glass bath or glass shower doors are used, have such doors made of safety glass;

(i) Have a first-aid room equipped with a minimum of one cot, one blanket and supplies as described in Appendix A;

(j) Hose bibs shall be provided for washing down the bathhouse interior; and

(k) Floors shall slope a minimum of one-quarter inch per foot (2.1 percent slope) and shall drain to floor drains.

(4) General-use swimming pools shall provide sanitary facilities in the following numbers based upon maximum user load, except as provided in subsection (d) of this section:

(a) Toilets — Women, one per 40 pool users or fraction thereof, with a minimum of two; Men, one per 60 pool user or fraction thereof, with a minimum of two (urinals shall be an acceptable substitute for no more than one-half of the toilets);

(b) Lavatories adjacent to toilets — One per 60 pool users or fraction thereof;

(c) Showers — One head per 40 pool users or fraction thereof, with a minimum of two.

(d) A pool and its bathhouse built prior to June 5, 1956, may have a minimum of one toilet. If the bathhouse was remodeled after June 5, 1956, it shall comply with section (4) of this rule.

(5) Showers shall be located so as to provide users immediate access to the pool deck.

(6) Limited-use swimming pools shall provide sanitary facilities based on the maximum bather load of OAR 333-060-0055 in the following numbers:

(a) Provide toilets and lavatories as described in subsections (4)(a) and (4)(b) of this rule; and

(b) Provide such toilets and lavatories within 1,000 feet (305m) of the swimming pool;

(c) Private accommodations located within 1,000 feet (305m) of the swimming pool shall constitute compliance with the requirements of subsection (6)(a) of this rule. When provided, additional bathhouse facilities adjacent to the pool shall comply with subsections (3)(a), (3)(c), (3)(d), (3)(e), (3)(f), (3)(g) and (3)(h) of this rule, and are exempt from the fixture requirements of section (4) of this rule.

(7) Hot and cold or tempered water only shall be provided at all shower heads.

(8) Soap shall be provided at all shower heads and lavatories.

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

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.005-448.100, 448.990

Hist.: HD 2-1979, f. 1-25-79, ef. 3-1-79; Renumbered from 333-042-0165; HD 7-1986, f. & ef. 5-1-86; HD 22-1994, f. 8-22-94, cert. ef. 9-1-94; PH 10-2007, f. & cert. ef. 7-13-07; PH 23-2014, f. 8-15-14, cert. ef. 9-1-14

333-060-0205

Operation and Maintenance

(1) Operators of public swimming pools shall be thoroughly knowledgeable on good practices of pool operation and with the laws and rules pertaining to public pools. If, at any time, the pool meets one of the pool closure criteria in OAR 333-060-0705, the pool license holder, operator, or responsible supervisor shall immediately close the pool to the public until the requirements are satisfied.

(2)(a) Operators of public pools shall keep records pertaining to the operation and maintenance of the pool which they operate;

(b) Such records shall be maintained daily during periods when the pool is open, shall be retained by the operator and made available to the Division on request. All such records shall be retained for a period of two years;

(c) Records shall include at least the following:

(A) Results of the tests described in Pool Water Quality, OAR 333-060-0200(3) and Table 3; [Tables not included. See ED. NOTE]

(B) Date and time of filter backwash;

(C) Dates that the pool was emptied or cleaned;

(D) Periods of recirculation equipment operation or malfunction and repair.

ADMINISTRATIVE RULES

(d) A recommended record keeping form is provided in Appendix B. [Appendix not included. See ED. NOTE]

(3)(a) All parts and facilities of public swimming pools and bath-houses shall be kept clean, in good repair and free of safety hazards;

(b) All public swimming pools shall provide a vacuum cleaner capable of effectively removing settled material from the bottom of the pool.

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

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.011

Hist.: HD 2-1979, f. 1-25-79, ef. 3-1-79; Renumbered from 333-042-0180; HD 7-1986, f. & ef. 5-1-86; HD 22-1994, f. 8-22-94, cert. ef. 9-1-94; PH 23-2014, f. 8-15-14, cert. ef. 9-1-14

333-060-0505

New Wading Pool Construction

(1) RECIRCULATION. All public wading pools that have submerged outlets must have at least two outlets for each pump. Each public wading pool, except those in subsection (1)(c) of this rule, must have a recirculation rate that meets or exceeds subsection (1)(a) or (1)(b) of this rule, whichever is greater:

(a) A 60-minute turnover time; or

(b) When skimmers are used, each skimmer must be designed to skim between 30 to 45 gpm water flow, when 70 percent of the recirculation flow is through the skimmers ($(\# \text{ of skimmers}) \times (30 \text{ to } 45 \text{ gpm design flow})/0.70 = \text{gpm recirculation rate}$). The skimmer piping must be designed to handle 100 percent of the recirculation rate.

(c) Spray pools, water playgrounds and interactive fountains that do not pond water and that use potable water once and dispose of it without recirculating it are not regulated or licensed by the Division.

(2) SEPARATE SYSTEM. Each public wading pool must have its own separate recirculation system.

(3) SURFACE SKIMMING. The pool must be designed to skim the water surface continuously. The Division may consider overflow structures such as intermittent fixed weir overflow and trench drains, if shown to be comparably compliant to gutter systems. The Division or its agent may consider alternate overflow designs if the designer shows that adequate skimming and water mixing occur when non-traditional designs are proposed.

(a) SKIMMERS must be listed as meeting ANSI/NSF Standard 50 requirements by a nationally recognized testing organization approved by the Division. A skimmer must be provided for every 400 square feet (37 m²) of water surface area or fraction thereof and provide flow in the amount determined in subsection (1)(b) of this rule.

(b) GUTTERS AND TRENCH DRAINS. Gutters allow skimming along the entire edge of the gutter. Generally the gutter extends completely around the perimeter of the pool. A TRENCH DRAIN is used much like a gutter, and is installed in zero-depth areas where an overflow lip cannot be provided. Trench drains are installed at the same angle as the floor. To skim properly, the bottom edge of the trench drains must be level to a very small tolerance and slightly below the water surface.

(A) To determine the minimum amount of surge capacity needed for the pool, add subparagraphs (3)(b)(A)(i) and (ii) of this rule and provide this capacity by installing a surge tank, or any combination of surge tank, gutter, or trench drain:

(i) Provide a minimum surge capacity equal to an amount determined by calculating eight minutes of recirculation flow (8 x recirculation rate = surge capacity); then

(ii) Add the surge needs of any spray feature or water activity system. Allow an amount equal to at least two minutes of feature recirculation flow, or as recommended by the manufacturer, whichever is greater.

(B) Install an automatic fill device, to maintain the water level, on all wading pools with gutters or trench drains.

(4) INLETS. Locate the inlets to evenly distribute treated water to all parts of the wading pool and to move debris to the overflow and drain systems. The designer is responsible for demonstrating that the inlet system will provide adequate circulation to all portions of the wading pool:

(a) Use floor inlets on all wading pools more than 30 feet wide (9.1m), and on zero-depth pools.

(b) In-floor cleaning systems, or other products that may cause a tripping or stubbing hazard, are not allowed.

(c) All inlet fittings must have tamper-proof screws or attachments that cannot be removed except with tools. Inlet fittings will be in place whenever the pool is in use.

(5) SUBMERGED SUCTION FITTINGS AND MAIN DRAINS. All submerged suction fittings must be installed according to the standards below.

(a) Wading pool main drains must be installed in the deepest part of the pool and be designed to minimize tripping and toe stubbing hazards.

(b) Main drain and submerged suction outlets must be designed with sufficient open area that the maximum velocity through the cover does not exceed the cover's listed flowrate.

(c) All hardware and fittings must be supplied by the manufacturer and installed according to the manufacturer's directions.

(d) Main drain and submerged suction fitting systems must provide entrapment, hair entanglement and evisceration protection.

(A) Main drains and submerged suction fittings and sumps must be compliant with the requirements of ANSI/APSP 16 — Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs (2011). The cover must be labeled and include; "VGB 2008," the logo of the third party listing agency, the standard for which it was tested, the gallons for which it was approved and the location it is to be placed.

(B) Maintain any documentation about your main drain or suction fitting.

(C) All submerged suction fittings must be installed with a sump designed and approved by the manufacturer for that outlet cover.

(D) All field built sumps must be designed by an Oregon registered engineer and must be built so the opening of the suction pipe is no closer than 1.5 times the pipe's inside diameter from the bottom of the listed suction cover/plate.

(E) Two or more outlets must be provided. They must be separated by at least three feet (measured from the midpoint of the main drain connector pipe centerlines) between the furthest fittings, or be on separate planes, placed such that they cannot be blocked by one person.

(i) The outlets must be sized to handle an equal portion of at least 200 percent of the recirculation flow.

(ii) The outlets must be installed so that they cannot be isolated from one another; no intervening valves.

(iii) The main drain or submerged suction fitting-piping going back to the pump must be located in the hydraulic middle of the fitting connector piping, and must be the same size as the connector piping.

(6) BROKEN OR MISSING GRATE FITTINGS. If the pool operator finds that a suction fitting is broken or missing, they must close the wading pool immediately, shut down the recirculation system and remain closed until the fitting has been replaced.

(7) BASIN DESIGN. The slope of the pool bottom can be no more than 1 in 12. Eight inches (200 mm) is the maximum water depth allowed at any edge of the pool accessible from the deck. When perimeter water depths exceed eight inches (200mm) at the edge of the pool, stairs and handrails complying with the requirements of OAR 333-060-0080(1), (3), (4)(b), (7), (8) and (9), must be provided at the designated entry points.

(8) DECKING. Unobstructed decking, five feet (1.5 m) or more in width must be provided around the wading pool perimeter. When a wading pool is adjacent to a swimming pool, it must be located near the shallow end of the swimming pool, with a minimum of nine feet (2.7 m) of deck between the pools.

(9) ENCLOSURE. Enclose the wading pool area, as required by OAR 333-060-0105. Spray pools, water playgrounds, and fountains that do not pond water may comply with paragraph (11)(c)(E) of this rule in lieu of providing an enclosure.

(10) DEPTH MARKING:

(a) The operator must indicate the maximum pool depth in feet and inches, with a sign near each entrance to the wading pool.

(b) Depth markings must be placed around the pool perimeter indicating the water depth at the edge, following the requirements in OAR 333-060-0065.

(c) Pools with a zero-depth edge are not required to have perimeter depth markings, but are still required to provide the maximum depth signs.

(d) Pools and fountains that do not pond water are not required to have depth markings or maximum depth signs.

(11) SPRAY FEATURES AND PLAY EQUIPMENT. Fountains, sprays, slides and similar features may be installed, if specifically designed for aquatic installation:

(a) WATER SOURCE. Water-using features must be designed and installed to draw their water supply from the main drain or similar fitting, surge tank, trench drains or gutters, but not from the skimmers. The main drain fittings and the related piping must be sized for 100 percent of the pool recirculation rate plus 100 percent of the capacity of any feature pump routed through the fittings. The sizing of the feature pump must be based on 20 ft. TDH (59,000 Pa), unless the actual TDH is calculated.

(b) EQUIPMENT DESIGN AND INSTALLATION. Play equipment shall be designed and installed to meet all applicable standards of the CPSC Handbook for Playground Safety (2010 edition), and ASTM F2461,

ADMINISTRATIVE RULES

Standard Practice for Manufacture, Construction, Operation, and Maintenance of Aquatic Play Equipment — 2009:

(A) Applicable requirements include equipment design and construction, proper anchoring, entrapment protection, protrusion safety, and safety use-zone sizing. All equipment shall be designed for use in pools.

(B) Play equipment must be designed to be difficult to climb, unless the equipment is specifically designed for climbing and provided with safety zones and impact attenuating surfaces acceptable to the Division.

(C) Swings are not allowed.

(D) Obstructions extending from the walls or the bottom of the wading pool are not permitted, unless a designed part of the play equipment, with provisions made for safety and good water circulation.

(E) "Children's Activity Slides" are small, low exit velocity slides designed for use by small children in shallow water. They must be designated by the manufacturer for use in 24 inches (0.6 m) or less of water, and installed as recommended by the manufacturer. Other types of slides are not allowed.

(F) Spray pools, using potable water, must comply with all requirements concerning basin design, materials, entrapment protection, fall protection, and safety during construction of the pool, and must be maintained and operated in a safe and healthy manner.

(c) **SPRAY POOLS or WATER PLAYGROUNDS.** Spray pools or water playgrounds are basins containing spray features intended for recreational use, but that do not collect water in the basin. If the water is captured and recirculated, the pool shall meet the requirements of OAR, chapter 333, division 60. If potable water is used once and drained to waste, the spray pool or water playground is not regulated or licensed under these rules:

(A) Design spray pools with a zero-depth design, with no walls in the basin.

(B) Spray pools do not require devices for skimming.

(C) All water recirculated through the spray features shall be filtered and sanitized, or from a potable water source. Equipment capable of continuously supplying at least 0.25 ppm additional chlorine to the line returning water to the spray features must be provided, except when potable water is supplied, used once and drained to waste, or all the water is filtered and treated before being sent back to the water features.

(D) Slip-resistant, easy to clean and water impervious surfaces must be installed in the spray basin. Impact attenuating surfaces, basin surfacing materials with shock absorbing properties, for use with equipment addressed in subsection (11)(b) of this rule, will be considered, but must be water impervious, not conducive to bacteria and algae growth, and resistant to vandalism and damage. All impact cushioning materials must be approved by the Division for use in a wet environment.

(E) Spray pools do not require a security enclosure. At least six feet (1.9 m) of deck around the perimeter of the pool basin and sloped away from the basin must be provided.

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

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.005 - 448.100 & 448.990

Hist.: PH 17-2006, f. 6-30-06, cert. ef. 7-1-06; PH 6-2009(Temp), f. 6-16-09, cert. ef. 6-17-09 thru 12-13-09; Administrative correction 12-23-09; PH 16-2009, f. & cert. ef. 12-23-09; PH 23-2014, f. 8-15-14, cert. ef. 9-1-14

333-060-0700

Enforcement

(1) **ACCESS.** The pool license holder, operator, or responsible supervisor must permit an authorized employee or agent of the Division to enter any public swimming pool or wading pool area, whenever the pool is open, or at any other reasonable time for the purpose of inspecting the pool operation. The inspection may include, but is not limited to, the bathhouse or toilet/shower facilities, chemical storage, pool enclosure and security provisions, recirculation equipment, piping, ventilation, supervision areas, operations, pool records and files, to determine compliance with these rules.

(2) **NOTICE OF VIOLATIONS.** If upon inspection of a public swimming pool or wading pool, the Division or its agent finds that the pool is not designed, constructed, equipped, maintained or operated as required by these rules, the Division or its agent must notify the license holder, operator, or responsible supervisor in writing of the violations. The inspection report must specify the changes required to make the pool and its operation conform to the standards established in these rules, and the time period within which to comply. If the violations pose an immediate danger to the public's health, the Division or its agent may take action authorized under OAR 333-060-0705 prior to notifying the license holder, operator or responsible supervisor in writing of the violations as required in this subsection.

(3) **SUSPENSION OR REVOCATION:** If the license holder does not correct the violations listed in the notice issued under section (2) of this rule within the specified time period, the Division or its agent may issue a notice proposing to suspend or revoke the permit or license to operate the pool in accordance with ORS chapter 183. A license holder shall have 21 days to request a hearing, if desired.

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.005 - 448.100 & 448.990

Hist.: PH 23-2014, f. 8-15-14, cert. ef. 9-1-14

333-060-0705

Pool Closure Criteria

(1) If one or more of the conditions outlined in subsection (3)(a) through (i) of this rule is present at the public swimming pool or wading pool, the pool license holder, operator, or responsible supervisor must immediately close the pool until the situation is resolved.

(2) If a pool license holder, operator or responsible supervisor has not acted in accordance with section (1) of this rule the Division or its agent may issue an emergency suspension order, and close a swimming pool or wading pool in accordance with ORS 183.430(2). The emergency suspension may be used if one or more of the conditions in subsection (3)(a) through (i) of this rule exist that present a serious and immediate danger to the public's health or safety.

(3) Conditions requiring immediate closure of the public swimming pool, until they are resolved, include:

(a) **CHEMICAL PARAMETERS.** Failure to comply with the disinfectant residual levels, high levels for cyanuric acid or out of range pH as established in OAR 333-060-0200(1), 333-060-0515(1) and items (a) thru (h) of Table 3;

(b) **WATER QUALITY.** Failure to comply with the water quality standards for clarity and bacteria established in OAR 333-060-0200(1), 333-060-0510(1) and items (j) and (k) of Table 3;

(c) **TREATMENT EQUIPMENT.** A non-operational circulation pump, filter, or disinfectant feeder. With the approval of the local public health authority, when a chemical feeder(s) is inoperative for a few hours while repairs are made, the pool may remain open, if the water chemistry can be maintained manually.

(d) **ELECTRICAL SAFETY.**

(A) The presence of bare electrical wires or other obvious electrical deficiency; or

(B) The presence of lightning or severe storms within a minimum 10-mile (16km) proximity of the pool at outdoor pools.

(e) **SUPERVISION.** The absence of a responsible supervisor or required lifeguard;

(f) **ENCLOSURES.** Enclosures such as fences, doors, gates or windows that are not in compliance with OAR 333-060-0105 or 333-060-0210(7);

(g) **SUBMERGED SUCTION FITTINGS.** A broken, missing or improperly attached submerged suction fitting, as required by OAR 333-060-0128(3);

(h) **FECAL ACCIDENT.** A fecal accident occurs or feces is found in the pool; or

(i) **OTHER CONDITIONS.** The presence of a hazardous substance or object in the swimming pool, or the existence of any condition creating an immediate danger to health or safety.

(4) In accordance with ORS 183.430(2) the license holder shall have 90 days after the date of notice of emergency suspension to request a hearing. If a hearing is requested, a hearing must be granted to the license holder as soon as practicable after such demand.

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.005 - 448.100 & 448.990

Hist.: PH 23-2014, f. 8-15-14, cert. ef. 9-1-14

333-062-0070

Ventilation

(1) A public spa pool license holder must ensure that there is sufficient ventilation to prevent build-up of harmful amounts of moisture or chemical byproducts in the air of buildings enclosing spa pools.

(2) New and public spa pool ventilation systems renovated after September 1, 2014 must comply with the requirements of the Oregon Structural Specialty Code, 2014 Edition, and the Oregon Mechanical Specialty Code, 2014 Edition.

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

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.011

Hist.: HD 14-1980(Temp), f. & ef. 12-19-80; HD 8-1981, f. & ef. 6-23-81; Renumbered from 333-042-0365; HD 23-1994, f. 8-22-94, cert. ef. 9-1-94; PH 23-2014, f. 8-15-14, cert. ef. 9-1-14

ADMINISTRATIVE RULES

333-062-0080

Spa Pool Enclosure

A public spa pool license holder must ensure that:

(1) A public spa pool is protected by an enclosure such as a fence, wall, or building without private entrances to the pool area; and

(2) Spa pool enclosures including windows, gates and doors are constructed in such a manner so as to discourage or prevent access to the pool by unsupervised children and domestic animals and incorporate the following construction standards:

(a) Enclosures shall not be less than four feet (1.2 m) in height measured from the outside ground at a point one foot (300 mm) horizontal from the base of the enclosure;

(b) There shall be not more than four inches (100 mm) of space between the bottom of the enclosure and the ground's surface or pool deck;

(c) Separation between vertical sections and bars shall be a maximum of four inches (100mm);

(d) Horizontal rails shall be spaced with a minimum 42 inches (1065mm) separation;

(e) All exterior projections or recessions shall be 42 inches (1065mm) from either the top or bottom of the fence;

(f) Gates and doors in spa enclosures shall be self-closing and shall be equipped with a lockable and self-latching device. The operating controls for the self-latching device shall be located at least 42 inches (1065 mm) above the exterior ground or pool deck. Gates and doors on new pools must swing "out" of the pool enclosure, or away from the pool. If an existing pool's gates or door does not swing away from the pool, it must be changed when the change is not highly burdensome or impractical due to special conditions or cause

(g) Entrances with self-closing and self-locking devices requiring the use of a key, keycard or combination code to gain access may have controls located at a minimum of 36 inches to 54 inches (0.9 m to 1.35 m) above the exterior ground surface. The gates or doors cannot require a key, keycard or combination code to exit the pool area;

(h) Construction methods and materials shall be used that provide a durable and low maintenance structure;

(i) Buildings enclosing public spa pools constructed on or after September 1, 2014 and buildings enclosing spa pools that are remodeled or renovated on or after September 1, 2014 shall be constructed in accordance with the requirements of the Oregon Structural Specialty Code 2014 Edition.

(3) When a pool is closed to patrons, all entry/exit points are to be properly maintained and secured against unauthorized entry.

[Publications referenced are available from the agency.]

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.011

Hist.: HD 14-1980(Temp), f. & ef. 12-19-80; HD 8-1981, f. & ef. 6-23-81; Renumbered from 333-042-0375; HD 23-1994, f. 8-22-94, cert. ef. 9-1-94; PH 23-2014, f. 8-15-14, cert. ef. 9-1-14

333-062-0103

Submerged Suction Fittings and Drains

(1) The requirement in section (3) of this rule applies to:

(a) A spa pool constructed after December 25, 2009;

(b) A spa pool constructed before December 25, 2009, that on or after July 1, 2015, has its submerged suction fittings renovated or remodeled.

(2)(a) Every spa pool must have an easy and effective means of draining the pool.

(b) Main drain and submerged suction outlets must be designed with sufficient open area that the maximum velocity through the cover does not exceed the cover's listed flowrate. Drains and suction fittings must be installed to minimize tripping, toe stubbing and scrape hazards.

(c) All hardware and fittings must be supplied by the manufacturer and installed according to the manufacturer's directions.

(d) Broken or missing grate fittings. If the pool operator finds that a suction fitting is broken or missing, the operator must close the pool immediately, shut down the recirculation system and remain closed until the fitting has been replaced.

(3) New construction. Main drain and submerged suction fitting systems must provide entrapment, hair entanglement and evisceration protection.

(a) Main drains and submerged suction fittings and sumps must be compliant with the requirements of ANSI/APSP-16 Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs (2011). The cover must be labeled and include; "VGB 2008," the logo of the third party listing agency, the standard for which it was tested, the gallons per minute flow for which it was approved and the location it is to be placed.

(b) The spa licensee must maintain any documentation concerning the main drain or submerged suction fitting.

(c) All submerged suction fittings must be installed with a sump designed and approved by the manufacturer for that outlet cover.

(d) All field built sumps must be designed by an Oregon registered engineer and must be built so the opening of the suction pipe is no closer than 1.5 times the pipe's inside diameter from the bottom of the listed suction cover/plate.

(e) Main drains and submerged suction fittings must be separated by at least three feet (915mm)(measured from the main drain connector pipe centerlines) between the furthest fittings, or be on separate planes, placed so the floor and wall suction fittings cannot be easily blocked at the same time.

(A) The outlets must be sized to handle an equal portion of at least 200 percent of the recirculation flow.

(B) The outlets must be installed so that they cannot be isolated from one another; no intervening valves.

(C) The piping going back to the pump must be located in the hydraulic middle of the connector piping, and must be the same size as the connector piping.

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.005 - 448.100 & 448.990

Hist.: PH 16-2009, f. & cert. ef. 12-23-09; PH 23-2014, f. 8-15-14, cert. ef. 9-1-14

333-062-0120

Heaters

(1) Fired water heaters installed after September 1, 1994, used exclusively for heating water for spa pools are considered pool boilers and are exempt from the requirements of ORS 480.510 to 480.665 (Boiler and Pressure Vessel Law) if:

(a) Units are equipped with a flow switch or pressure switch set at a minimum of 1-1/2 psig;

(b) No intervening stop valves are installed on the discharge side of the unit;

(c) Discharge piping is not reduced from the engineering sizing of the fired heater;

(d) All units are equipped with an ASME-approved pressure and temperature relieving device set at 50 psig;

(e) The unit has a maximum of 10 gallons capacity contained within the unit; and

(f) The burner is wired in series with the recirculation pump.

(2) Where fuel-burning swimming pool heaters are provided for public spa pools, they shall:

(a) Be situated so that the pilot light, if present, is readily accessible;

(b) Be provided with an adequate supply of combustion air;

(c) Be equipped with metal or chlorinated polyvinyl chloride pipe (CPVC) for a minimum of 18 inches upstream and downstream of the heating equipment. However, where manufacturer's recommended installation allows shorter lengths of CPVC, installation according to the manufacturer's recommendation is allowed in lieu of 18 inches of CPVC if documentation of manufacturer's recommendations is provided.

(3) Where electrical heaters are provided, they shall be installed in accordance with the **Oregon Electrical Specialty Code, 2014 Edition**.

[Publications referenced are available from the agency.]

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.011

Hist.: HD 14-1980(Temp), f. & ef. 12-19-80; HD 8-1981, f. & ef. 6-23-81; Renumbered from 333-042-0415; HD 23-1994, f. 8-22-94, cert. ef. 9-1-94; PH 23-2014, f. 8-15-14, cert. ef. 9-1-14

333-062-0145

Ground Fault Interrupter

A certified ground fault interrupter shall be provided in all branch circuits involved in lighting or receptacle outlets according to Article 680 of the Oregon Electrical Specialty Code, 2014 Edition.

[Publications referenced are available from the agency.]

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.011

Hist.: HD 14-1980(Temp), f. & ef. 12-19-80; HD 8-1981, f. & ef. 6-23-81; Renumbered from 333-042-0440; HD 23-1994, f. 8-22-94, cert. ef. 9-1-94; PH 23-2014, f. 8-15-14, cert. ef. 9-1-14

333-062-0150

Bathhouses and Sanitary Facilities

(1) Where a spa pool is operated in conjunction with a companion facility, a bathhouse common to both facilities shall be acceptable, provided the minimum facility ratios and locations described in sections (2) through (5) of this rule are followed.

ADMINISTRATIVE RULES

(2) Bathhouses must be maintained in good repair and kept clean. Bathhouses for all spa pools built after September 1, 2014 must:

- (a)(A) Meet the requirements of:
 - (i) The Oregon Structural Specialty Code, 2014 Edition;
 - (ii) The Oregon Mechanical Specialty Code, 2014 Edition;
 - (iii) The Oregon Electrical Specialty Code, 2014 Edition;
 - (iv) The Oregon Plumbing Specialty Code, 2014 Edition.

(B) Including all permit and inspection requirements of the aforementioned codes.

- (b) Provide toilets and lavatories within 1,000 feet (305 m) of the spa;
- (c) Contain dressing room(s) and sanitary facilities, separate for each sex;

(d) Have floors which are slip resistant, easily cleanable, and covered to a height of four inches (100 mm);

(e) Have shower compartments with walls which are impervious to water to a height of six feet (1.8 m) above the floor. An effective water-tight joint between the wall and the floor shall be maintained. (Wooden racks or duck boards over shower floors are prohibited);

(f) Have interior wall and ceiling finishes which are smooth, easily cleanable, and impervious to water;

(g) Where rubber or impervious mats are used, have such mats clean and dry between usages;

(h) Have shower stall floors that are finished with non-slip impervious surfaces;

(i) Where glass bath or glass shower doors are used, have such doors made of safety glass.

(3) Sanitary facilities, based upon the following maximum user load and equal distribution of sexes, shall be provided:

(a) Toilets:

(A) Women, one per 40 spa users or fraction thereof, with a minimum of two;

(B) Men, one per 60 spa users or a fraction thereof with a minimum of two. Urinals shall be an acceptable substitute for no more than one-half of the toilets.

(b) Lavatories adjacent to toilets, one per 60 spa users or fraction thereof.

(c) Showers — One shower head per 40 pool users or fraction thereof, with a minimum of two.

(4) Hot and cold or tempered water only shall be provided at all shower heads.

(5) Soap shall be provided at all shower heads and lavatories.

(6) Hose bibs shall be provided for washing down the bathhouse interior.

(7) Floors shall slope a minimum of one-quarter inch per foot (2.1 percent slope) and shall drain to floor drains.

(8) The bathhouse shall be located within 1,000 feet (305 m) of the spa pool.

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

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.011

Hist.: HD 14-1980(Temp), f. & ef. 12-19-80; HD 8-1981, f. & ef. 6-23-81; Renumbered from 333-042-0445; HD 23-1994, f. 8-22-94, cert. ef. 9-1-94; PH 23-2014, f. 8-15-14, cert. ef. 9-1-14

333-062-0170

Operation and Maintenance

(1) Operators of public spa pools shall be thoroughly knowledgeable on good practices of the spa operation and with the laws and rules pertaining to public spa pools. If, at any time, the spa meets one of the spa pool closure criteria in OAR 333-062-0255 the spa pool license holder, operator, or responsible supervisor shall immediately close the spa to the public until the requirements are satisfied.

(2)(a) Operators of public spa pools shall keep records pertaining to the operation and maintenance of the pool which they operate;

(b) Such records shall be maintained daily during periods when the pool is open, shall be retained by the operator and made available to the Division on request. All such records shall be retained for a period of two years;

(c) Records shall include at least the following:

(A) Results of the tests described in OAR 333-062-0165(3);

(B) Date and time of filter backwash;

(C) Dates that the pool was emptied or cleaned;

(D) Periods of recirculation equipment operation or malfunction and repair.

(d) A recommended record keeping form is provided in Appendix A.

(3) All parts and facilities of public spa pools and bathhouses shall be kept clean, in good repair and free of safety hazards.

[ED. NOTE: Appendix referenced is available from the agency.]

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.011

Hist.: HD 14-1980(Temp), f. & ef. 12-19-80; HD 8-1981, f. & ef. 6-23-81; Renumbered from 333-042-0465; HD 23-1994, f. 8-22-94, cert. ef. 9-1-94; PH 23-2014, f. 8-15-14, cert. ef. 9-1-14

333-062-0250

Enforcement

(1) ACCESS. The pool license holder, operator, or responsible supervisor must permit an authorized employee or agent of the Division to enter any public spa pool area, whenever the spa pool is open, or at any other reasonable time for the purpose of inspecting the spa pool. The inspection may include, but is not limited to, the bathhouse or toilet/shower facilities, chemical storage, pool enclosure and security provisions, recirculation equipment, piping, ventilation, supervision areas, operations, pool records and files, to determine compliance with these rules.

(2) NOTICE OF VIOLATIONS. If upon inspection of a public spa pool, the Division or its agent finds that the spa pool is not designed, constructed, equipped, maintained or operated as required by these rules, the Division or its agent must notify the license holder, operator, or responsible supervisor in writing of the violations. The inspection report must specify the changes required to make the spa pool and its operation conform to the standards established in these rules and the time period within which to comply. If the violations pose an immediate danger to the public's health, the Division or its agent may take action authorized under OAR 333-062-0255 prior to notifying the license holder, operator, or responsible supervisor in writing of the violations.

(3) SUSPENSION OR REVOCATION. If the license holder does not correct the violations listed in the notice issued under section (2) of this rule within the specified time period, the Division or its agent may issue a notice proposing to suspend or revoke the license to operate the spa pool in accordance with ORS Chapter 183. A license holder shall have 21 days to request a hearing.

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.011

Hist.: PH 23-2014, f. 8-15-14, cert. ef. 9-1-14

333-062-0255

Spa Pool Closure Criteria

(1) If one or more of the conditions outlined in subsection (3)(a) through (j) of this rule is present at the public spa pool facility, the spa pool license holder, operator or responsible supervisor must immediately close the pool until the situation is resolved.

(2) If a spa pool license holder, operator or responsible supervisor has not acted in accordance with section (1) of this rule, the Division or its agent may issue an emergency suspension order, and close a spa in accordance with ORS 183.430(2). The emergency suspension may be used if one or more of the conditions in subsection (3)(a) through (j) of this rule exist that present a serious and immediate danger to the public's health or safety.

(3) Conditions requiring immediate closure of the public spa pool, until they are resolved include:

(a) CHEMICAL PARAMETERS. Failure to comply with the disinfectant residual levels, high levels for cyanuric acid or out of range pH established in OAR 333-062-0170(1), and items (a) thru (i) of Table 1;

(b) WATER QUALITY. Failure to comply with the water quality standards for clarity and bacteria established in OAR 333-062-0165(1) and items (j) and (k) of Table 1;

(c) TEMPERATURE. Water temperature over 104 degrees Fahrenheit.

(d) TREATMENT EQUIPMENT. A non-operational circulation pump, filter, or disinfectant feeder. With the approval of the local public health authority, when the chemical feeder(s) is inoperative for no more than a few hours while repairs are made, the spa pool may remain open, if the water chemistry can be maintained manually.

(e) ELECTRICAL SAFETY.

(A) The presence of bare electrical wires or other obvious electrical deficiency; or

(B) The presence of lightning or severe storms within a minimum 10-mile (16 km) proximity of the pool at outdoor spa pools.

(f) SUPERVISION. The absence of a responsible supervisor or required lifeguard;

(g) ENCLOSURES. Enclosures such as fences, doors, gates or windows that are not in compliance with OAR 333-062-0080;

(h) SUBMERGED SUCTION FITTINGS. A broken, missing or improperly attached submerged suction fitting, as required by OAR 333-062-0103(1)(d);

ADMINISTRATIVE RULES

(i) FECAL ACCIDENT. A fecal accident occurs or feces is found in the pool. Information related to proper fecal incident response can be found at

<http://public.health.oregon.gov/HealthyEnvironments/Recreation/PoolLoading/Documents/cdcfecal.pdf>; or

(j) OTHER CONDITIONS. The presence of a hazardous substance or object in the spa pool, or the existence of any condition creating an immediate danger to health or safety.

(4) In accordance with ORS 183.430(2), a license holder shall have 90 days after the date of notice of emergency suspension to request a hearing and if a hearing is requested a hearing must be granted to the licensee or permittee as soon as practicable after such demand.

Stat. Auth.: ORS 448.011

Stats. Implemented: ORS 448.011

Hist.: PH 23-2014, f. 8-15-14, cert. ef. 9-1-14

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

Adm. Order No.: PH 24-2014

Filed with Sec. of State: 8-15-2014

Certified to be Effective: 8-15-14

Notice Publication Date: 7-1-2014

Rules Adopted: 333-106-0345, 333-106-0361, 333-106-0362, 333-106-0363, 333-106-0364, 333-106-0366, 333-106-0367, 333-106-0368, 333-106-0369

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

Rules Repealed: 333-106-0365

Subject: The Oregon Health Authority, Public Health Division, Center for Health Protection is permanently amending and adopting Oregon Administrative Rules related to the radioactive material licensing and X-ray programs within the Radiation Protection Services.

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

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

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

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

The X-ray program is adopting, repealing and amending rules in division 106 to align current computed tomography (CT) rules with

emerging technology and address the use of the veterinary X-ray technique chart.

Rules Coordinator: Brittany Sande—(971) 673-1291

333-100-0020

Prohibited Uses

(1) Hand-held fluoroscopic screens shall not be used unless they have been listed in the Registry of Sealed Source and Devices or accepted for certification by the U.S. Food and Drug Administration, Center for Devices and Radiological Health.

(2) Shoe-fitting fluoroscopic devices shall not be used.

(3) Sources of radiation shall not be used to expose any individual solely for training or demonstration purposes.

(4) Sources of radiation shall not be used for the purpose of screening or inspecting individuals for concealed weapons, hazardous materials, stolen property, illegal goods or contraband.

(5) No person shall intentionally apply or allow to be applied, either directly or indirectly, ionizing radiation to human beings except by, or under the supervision of, persons licensed by the State of Oregon to practice the healing arts and who are authorized to use radiation on humans. Notwithstanding this restriction, the Authority recognizes practitioners of the healing arts to be as outlined in ORS 676.110, that is:

(a) Podiatrists, Chiropractors, Dentists, Naturopath, Osteopaths, Medical Doctors, and Veterinarians;

(b) Nurse Practitioners and Physician Assistants may prescribe X-ray when doing so within the bounds of their independent rules;

(c) Dental Professionals are permitted to prescribe and review intraoral radiographs, in accordance with the Oregon Board of Dentistry administrative rules, chapter 818.

(d) No person shall be allowed to use X-ray producing equipment without first meeting the requirements of OAR 333-106-0045(16) or 333-106-0055.

(6) No person shall intentionally or unintentionally expose another individual to radiation other than ionizing radiation in such a way as to adversely affect the health or safety of that individual. Notwithstanding this restriction, the use of radiation other than ionizing radiation by persons licensed by the State of Oregon to practice the healing arts and who are authorized to use radiation shall be allowed.

(7) Dental units with a Kilovolt peak (kVp) of 50 and below are prohibited from being sold, leased, transferred or lent.

(a) Existing diagnostic dental X-ray systems less than 55 kVp shall not be used on minors.

(b) After October 1, 2011, registrants may not use diagnostic dental X-ray systems with a fixed, nominal kVp of less than 55.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08; PH 4-2010, f. & cert. ef. 2-16-10; PH 10-2011, f. 9-30-11, cert. ef. 10-1-11; PH 24-2014, f. & cert. ef. 8-15-14

333-101-0003

Definitions

(1) "Facility" means the location, building, vehicle, or complex under one administrative control, at which one or more devices or sources of radiation (X-ray, radioactive materials, or non-ionizing radiation) are installed.

(2) "Health Physics Consultant" means a person, business, facility, or institution providing health physics knowledge and skills for a fee. A health physics consultant may not use or possess radioactive material without specific license authorization pursuant to OAR 333-102-0200.

(3) "Inoperable" means disabling equipment such that ionizing radiation cannot be produced. This is accomplished by removing the X-ray tube, removal of the control unit, removal of the power supply or physical removal of the power cord on a free standing unit.

(4) "Storage" means a condition in which a device or source is not being used for an extended period of time, and has been made inoperable.

(5) "Vendor" means a person, business, facility, or institution providing a product or service for a fee. Radiation vendors include, but are not limited to, machine salespersons, repair and technical personnel, training providers or marketing representatives who sell, demonstrate, or market X-ray machines or tanning beds and provide advice, consultation, service, or technical information to registrants.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.685 & 453.761

Hist.: PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 24-2014, f. & cert. ef. 8-15-14

ADMINISTRATIVE RULES

333-101-0020

Application for License of Sales, Services, Consultation, and Servicing For Radiation Machines

(1) Each person who is engaged in the business of training, selling, leasing, transferring, lending, installing or offering to install radiation machines or tanning beds, or is engaged in the business of furnishing or offering to furnish radiation machines, X-ray automatic film processor, X-ray processing chemicals, radioactive material (unless such activities are authorized under a specific license), or tanning servicing or services in this state, must apply for license of such services with the Authority within 30 days following the effective date of this rule or thereafter prior to furnishing or offering to furnish any such services.

(2) Application for a license must be completed on forms furnished by the Authority and must contain the following information or such other information as may be required:

(a) Name, address and telephone number of the following:

(A) The individual or the company to be licensed; and

(B) The owner(s) of the company.

(b) The services that shall be provided;

(c) The area of the state and other states to be covered;

(d) A list of the individuals qualified to provide these services; and

(e) The date of application and signature of the individual responsible for the company, beneath a statement of the items specified in OAR 333-101-0020(3).

(3) Each person applying for license under this division must specify:

(a) That they have read and understand the requirements of these rules;

(b) The services for which they are applying for license;

(c) The training and experience that qualify them or their technical staff to discharge the services for which they are applying for license;

(A) Training for radiation machine vendors must include, but must not be limited to, a minimum of one day of training in radiation use and safety.

(B) The training specified in OAR 333-101-0020(3)(c)(A) must be taught by an Authority approved instructor. Approval shall be based upon the following criteria:

(i) Current Radiologic Technologist license with the Oregon Board of Radiologic Technology and a minimum of two years of work experience in Radiologic Technology; and

(ii) Experience in the use of radiation measurement instruments; or

(iii) "Qualified Expert" as defined in OAR 333-100-0005; or

(iv) "Health Physics Consultant" as defined in OAR 333-101-0003.

(C) Subjects to be covered must include but not be limited to:

(i) Nature of X-rays;

(ii) Radiation units;

(iii) Biological effects of X-ray radiation;

(iv) Principals of radiation protection;

(v) Radiation survey instruments;

(vi) Personnel monitoring equipment; and

(vii) Applicable federal and state radiation regulations.

(d) The type of measurement instruments to be used, frequency of calibration, source of calibration; and

(e) The type of personnel dosimeters supplied, frequency of reading and replacement or exchange schedule.

(4) All radiation machine vendors who install or repair radiation machines must have measurement instruments that assure compliance with all X-ray machine, or tanning bed installation requirements according to all applicable federal standards, as well as instruments to properly check items such as collimation, HVL, kVp, mA, time, and radiation output, or assure these tests are made by a qualified expert as needed, and that the information is included in the installation report.

(5) For the purpose of OAR 333-101-0020, services may include but must not be limited to:

(a) Sales or leasing of radiation machines, installation and servicing of radiation machines and associated radiation machine components;

(b) Calibration of radiation machines;

(c) Calibration and use of radiation measurement instruments or devices;

(d) Radiation protection or health physics consultations or surveys;

(e) Personnel dosimetry services (not otherwise licensed under these rules);

(f) Installation and servicing of automatic X-ray film processors; and

(g) Providing X-ray film processing chemicals.

(6) No individual shall perform services that are not specifically stated for that individual on the notice of licensure (certificate of validation or acknowledgment of validation) issued by the Authority.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 1-1995, f. & cert. ef. 4-26-95; PH 5-2005, f. & cert. ef. 4-11-05; PH 12-2006, f. & cert. ef. 6-16-06; PH 24-2014, f. & cert. ef. 8-15-14

333-102-0300

Issuance of Specific Licenses

(1) Upon a determination that an application meets the requirements of the Act and these rules, the Authority shall issue a specific license authorizing the proposed activity in such form and containing such conditions and limitations as it deems appropriate or necessary.

(2) The Authority may incorporate in any license at the time of issuance, or thereafter by appropriate rule, regulation or order, such additional requirements and conditions with respect to the licensee's receipt, possession, use and transfer of radioactive material subject to this division as it deems appropriate or necessary in order to:

(a) Minimize danger to public health and safety or property;

(b) Require such reports and the keeping of such records and to provide for such inspections of activities under the license as may be appropriate or necessary; and

(c) Prevent loss or theft of material subject to this division.

(3) Whenever the Authority denies an application for a new license or a license renewal, the Authority shall notify the applicant in writing stating the grounds for denial. Upon denial, the applicant may request a hearing pursuant to OAR 333-102-0345.

Stat. Auth.: ORS 453.635, 453.665

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07; PH 24-2014, f. & cert. ef. 8-15-14

333-103-0003

Definitions

As used in this division, the following definitions apply:

(1) "License" ("Acknowledgment of Validation," "Validation Certificate," "Certificate of Validation") means the document issued that validates receipt of payment for a specific license or registration fee.

(2) "Registration Fee" means:

(a) The fee paid to the Authority for registering Radiation Producing Machines; or

(b) The fee paid to the Authority to validate a general license registration issued pursuant to OAR 333-102-0101, 333-102-0103, 333-102-0115, 333-102-0130 or 333-102-0340

(3) "Specific License Fee" means:

(a) The annual fee payable, to validate specific licenses for sources of radiation; or

(b) The fee paid upon application to the Authority for an Oregon Radioactive Materials License to license specific licensed sources of radiation pursuant to OAR 333-103-0010; or

(c) The fee paid to license additional sources of radiation pursuant to OAR 333-103-0010.

Stat. Auth.: ORS 453.757

Stats. Implemented: ORS 453.757

Hist.: HD 2-1995(Temp), f. & cert. ef. 7-11-95; HD 4-1995, f. & cert. ef. 9-8-95; HD 3-1996, f. & cert. ef. 8-9-96; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08; PH 20-2010, f. & cert. ef. 9-1-10; PH 24-2014, f. & cert. ef. 8-15-14

333-103-0010

Annual Fee for Specific Licenses

(1)(a) Each specific license listed in section (2) of this rule, as defined in OAR 333-102-0203, shall be licensed pursuant to sections (2), (3), (4), (5) and (6) of this rule by a specific license fee.

(b) Upon written request and approval by the Authority, fees for new licenses or additional sources may be prorated on a quarterly basis for the current fiscal year.

(2) Each specific license type appearing in the following fee schedule shall be licensed separately with a specific license fee as indicated:

(a) Analytical/Leak Test/Fixed X-ray Fluorescence, \$690(F);

(b) Basic License, \$1,220(F);

(c) Brachytherapy, \$2,755(F);

(d) Broad Scope A, \$3,000(F);

(e) Broad Scope B, \$2,755(F);

(f) Broad Scope C, \$1,370(F);

(g) Distribution, \$1,370(F);

(h) Fixed Gauge, \$345(S);

ADMINISTRATIVE RULES

- (i) High, medium and low dose rate brachytherapy, \$3,000(S);
- (j) Imaging and Localization, \$1,370(F);
- (k) In Vitro Laboratory, \$455(F);
- (l) Industrial Radiography:
 - (A) Fixed Facility, \$3,000(F);
 - (B) Field Use, \$3,000(F);
- (m) Instrument Calibration, \$1,035(S);
- (n) Investigational New Drug, \$2,065(F);
- (o) Irradiator Self-Shielded, \$1,370(S);
- (p) Manufacturing/Compounding, \$3,000(F);
- (q) Mobile Nuclear Medicine, \$3,000(F);
- (r) NORM (no processing), \$920(F);
- (s) Nuclear Pharmacy, \$3,000(F);
- (t) Other Measuring Device, \$200(S). Six sources or more, for attenuation purposes, may apply for a basic license;
- (u) Portable Gauge:
 - (A) X-ray Fluorescence, \$690(S);
 - (B) All other portable gauges, \$920(S);
- (v) Radiopharmaceutical Therapy, \$2,065(F);
- (w) RAM/NOS Facility, \$3,000(F);
- (x) Research & Development, \$2,065(F);
- (y) Sealed Sources for Diagnosis, \$690(S);
- (z) Source Material, \$3,000(F);
- (aa) Special Nuclear Material (sealed), \$1,370(S);
- (bb) Special Nuclear Material (unsealed), \$3,000(F);
- (cc) Teletherapy (external beam), \$3,000(S);
- (dd) Unique, No Fee;
- (ee) Uptake and Dilution, \$920(F);
- (ff) Use of Xenon Gas, \$920(F);
- (gg) Waste Packaging, \$3,000(F);
- (hh) Well Logging, \$2,065(S);

NOTE: (F) means facility; (S) means source.

(3) Each specific license validation fee shall be due and payable:

(a) Based on the following fee schedule:

(A) Validation fees for licenses expiring July through September are due by October 1 each year.

(B) Validation fees for licenses expiring October through December are due by January 1 each year.

(C) Validation fees for licenses expiring January through March are due by April 1 each year; and,

(D) Validation fees for licenses expiring April through June are due by July 1 each year.

(b) For each specific license source of radiation listed in section (2) of this rule for which application pursuant to OAR 333-102-0190 for an Oregon Radioactive Materials License has been made;

(c) For each additional specific license source of radiation in an amendment to an existing Oregon Radioactive Materials License pursuant to OAR 333-102-0320.

(4) A license for each specific license issued pursuant to section (3) of this rule shall be provided by the Authority. The certificate of validation for the current fiscal year shall be retained by the licensee and attached to the license pursuant to requirements in OAR 333-111-0005.

(5) The specific license fee that validates specific sealed sources also validates possession of one additional sealed source during source exchange (one new source and one spent source) for a period not to exceed 30 calendar days.

(6) Sealed sources manufactured and distributed as reference sources that do not exceed 100 times the quantity in 30.71 Schedule B of 10 CFR Part 30 are exempt from specific license fees and validation if used pursuant to a specific license listed in section (2) of this rule. The license validation fee for reference sources that exceed 100 times the quantity in 30.71 Schedule B of 10 CFR Part 30 or reference sources authorized alone without additional licensed radioactive material shall be \$1,220, pursuant to subsection (2)(b) of this rule.

Stat. Auth.: ORS 453.757

Stats. Implemented: ORS 453.757

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 13-1988, f. 6-7-88, cert. ef. 7-1-88; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 2-1995(Temp), f. & cert. ef. 7-11-95; HD 4-1995, f. & cert. ef. 9-8-95; HD 3-1996, f. & cert. ef. 8-9-96; PH 11-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08; PH 4-2010, f. & cert. ef. 2-16-10; PH 20-2010, f. & cert. ef. 9-1-10; PH 10-2011, f. 9-30-11, cert. ef. 10-1-11; PH 24-2014, f. & cert. ef. 8-15-14

333-103-0015

Annual Registration Fee for General Licenses and Devices

(1) Any general license granted by the Authority must be validated annually by the general license registration fee listed in section (2) of this

rule, unless otherwise exempted by subsection (2)(e) of this rule. Validation must be confirmed by verifying, correcting, and adding to the information provided in a request for registration received from the Authority. General License registration fees as defined in OAR 333-103-0003 shall:

(a) Validate each general licensed source of radiation due October 1 of each year for sources of radiation; and

(b) Validate each new application to register general license material pursuant to OAR 333-101-0007.

(2) The general licenses appearing in the following fee schedule shall be registered on the appropriate Authority form and shall be validated annually by a general license registration fee:

(a) Each healing arts facility that uses radioactive material for In Vitro laboratory or clinical testing authorized by OAR 333-102-0130, \$200;

(b) Each radiation source in a generally licensed measuring, gauging or controlling device authorized pursuant to OAR 333-102-0115(1), \$200;

(c) For radioactive material contained in devices designed and manufactured for the purpose of producing light, except Tritium exit signs, or an ionized atmosphere that exceed the limits in OAR 333-102-0105, \$82 per device for the first 12 devices after which a Basic Specific License is required.

(d) Each general licensee possessing or using depleted uranium for the purpose of providing a concentrated mass in a small volume of the product or device pursuant to OAR 333-102-0103, \$200;

(e) Each General Licensee possessing or using source material for research, development, educational, commercial or operational purpose pursuant to OAR 333-102-0101, \$300;

(f) General licenses not specifically identified in subsections (2)(a), (2)(b), (2)(c) and (2)(d) of this rule are exempt from the payment of an annual general license registration fee.

(g) Each out-of-state or NRC specific licensee granted a general license pursuant to OAR 333-102-0340 to conduct activities within the State of Oregon for a period not to exceed 180 consecutive days in a calendar year must pay a registration validation fee as required by OAR 333-103-0030(1).

(h) State and local government agencies are required to register each generally licensed device but are exempt from the fees required in this rule.

(3) Notwithstanding subsection (2)(g) of this rule, the general license fee shall be due and payable on or before October 1 of each year.

(4) A certificate of validation for the then current fiscal year shall be provided by the Authority. The certificate for the then current fiscal year must be retained by the licensee and attached to the general license.

(5) Upon written request and approval by the Authority, fees for new licenses or additional sources may be prorated on a quarterly basis for the fiscal year.

Stat. Auth.: ORS 453.757

Stats. Implemented: ORS 453.757

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 13-1988, f. 6-7-88, cert. ef. 7-1-88; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1991, f. & cert. ef. 10-1-91; HD 2-1995(Temp), f. & cert. ef. 7-11-95; HD 4-1995, f. & cert. ef. 9-8-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 11-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08; PH 20-2010, f. & cert. ef. 9-1-10; PH 24-2014, f. & cert. ef. 8-15-14

333-103-0030

Reciprocal Recognition Fee

(1) Any radiation machine or radioactive material source brought into the state for use under reciprocity must pay a fee equal to 100 percent of the appropriate license or registration validation fee, listed in OAR 333-103-0005 or 333-103-0010, not to exceed \$3,000 in a year.

(2) Reciprocal fees shall be due and payable prior to entry into the state.

(3) An acknowledgment of fee payment, such as a certificate of validation, shall be provided by the Authority. The acknowledgment of fee payment must be retained by the licensee or registrant and attached to the license or registration.

(4) Reciprocal fees shall not be transferred or refunded.

(5) Reciprocal fees shall expire 12 months from the issue date.

(6) Any use of radioactive material in Oregon pursuant to OAR 333-102-0340 exceeding 180 consecutive days may be required to apply for an Oregon specific radioactive materials license pursuant to OAR 333-102-0190.

Stat. Auth.: ORS 453.757

Stats. Implemented: ORS 453.757

Hist.: HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 2-1995(Temp), f. & cert. ef. 7-11-95; HD 4-1995, f. & cert. ef. 9-8-95; PH 11-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 20-2010, f. & cert. ef. 9-1-10; PH 10-2011, f. 9-30-11, cert. ef. 10-1-11; PH 24-2014, f. & cert. ef. 8-15-14

ADMINISTRATIVE RULES

333-103-0035

Fees For Radiological Analyses

(1) An individual, agency, or company that requests that the Authority's Radiation Laboratory perform radiological analyses on samples must pay a fee to the Authority in accordance with the schedule in section (2) of this rule. The responsible individual submitting the sample(s) must first obtain a request form from the Authority. This form contains the fee schedule and the types of radiological analyses offered. That individual must then submit the completed form along with the sample and the appropriate fee to the Authority. The Authority submits the results by return mail in accordance with the estimated time as per section (3) of this rule.

(2) Fee Schedule:

(a) Gamma Isotopic:

(A) Liquid — \$310;

(B) Solid — \$355;

(b) Low-level Iodine-131 — \$265;

(c) Tritium (H-3) — \$115.

(3) The analyses results shall be available in approximately five working days for Gamma Isotopic analyses.

NOTE: If the Authority cannot complete the analyses according to the schedule in section (3) of this rule, the Authority must notify the customer as soon as possible.

(4) A \$100 surcharge shall be added to the fee for a one-day completion schedule for a Gamma Isotopic analysis.

Stat. Auth.: ORS 453.757

Stats. Implemented: ORS 453.757

Hist.: HD 15-1991, f. & cert. ef. 10-1-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 2-1995(Temp), f. & cert. ef. 7-11-95; HD 4-1995, f. & cert. ef. 9-8-95; PH 11-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 20-2010, f. & cert. ef. 9-1-10; PH 10-2011, f. 9-30-11, cert. ef. 10-1-11; PH 24-2014, f. & cert. ef. 8-15-14

333-106-0015

Technique Chart

A useable up-to-date chart shall be provided in the vicinity of the diagnostic X-ray system's control panel which specifies, for all examinations performed with that system, the following information:

(1)(a) Patient's anatomical size in centimeters versus technique factors to be utilized.

(b) For veterinary X-rays, the patient's anatomical size in centimeters or weight in pounds versus technique factors to be used.

(2) Film-screen combination to be used.

(3) Type and focal distance of the grid to be used, if any.

(4) Source to image receptor distance to be used.

(5) Indication of radiographic examinations requiring gonad shielding, except in the case of veterinary use.

(6) Units utilizing phototimers shall have a chart indicating cell choice, optimum kVp and density setting as well as other applicable requirements of this rule.

(7) Units utilizing automatic techniques that are incorporated in the X-ray machine are considered to meet the requirements of sections (1), (2), (3) and (4) of this rule.

(8) In cases where machine use is restricted to intraoral radiography, or one operator and less than three techniques, the registrant is exempt from the requirements of this rule.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; PH 12-2006, f. & cert. ef. 6-16-06; PH 24-2014, f. & cert. ef. 8-15-14

333-106-0055

X-ray Operator Training

(1) The registrant shall assure that individuals operating the X-ray equipment have adequate training in radiation safety. Adequate training in radiation safety means a minimum of 40 hours of didactic instruction for diagnostic medical X-ray equipment operators, eight hours for Grenz ray X-ray equipment operators and 20 hours for veterinary X-ray equipment operators from an Authority approved training course covering the following subjects:

(a) Nature of X-rays;

(b) Interaction of X-rays with matter;

(c) Radiation units;

(d) Principles of the X-ray machine;

(e) Biological effects of X-ray;

(f) Principles of radiation protection;

(g) Low dose techniques;

(h) Applicable federal and state radiation regulations including those portions of divisions 100, 101, 103, 106, 111 and 120 of chapter 333;

(i) Darkroom and film processing;

(j) Film critique; and

(k) Animal restraint training (for veterinary technologists or assistants only).

NOTE: Subsections (1)(g), (1)(i), (1)(j) and (1)(k) of this rule are not required for Grenz ray X-ray equipment operator training.

(2) Dental X-ray operators who meet the following requirements are considered to have met the requirements in section (1) of this rule:

(a) Currently licensed by the Oregon Board of Dentistry as a dentist or dental hygienist; or

(b) Is a dental assistant who is certified by the Oregon Board of Dentistry in radiologic proficiency; and

(c) Successfully completed didactic and clinical radiography training covering the subject areas outlined in section (1) of this rule; and

(d) Passed the Radiation Health and Safety (RHS) or the Certified Dental Assistant (CDA) examination administered by the Dental Assisting National Board, Inc. (DANB) and clinical radiography examination or other comparable requirements approved by the Oregon Board of Dentistry.

(3) Medical X-ray equipment operators not regulated by the Oregon Board of Medical Imaging. In addition to the above, medical X-ray equipment operators using diagnostic radiographic equipment on human patients, and who are not regulated by the Oregon Board of Medical Imaging must have 100 hours or more of instruction in radiologic technology including, but not limited to, anatomy physiology, patient positioning, exposure and technique. The instruction must be appropriate to the types of X-ray examinations that the individual may be performing; and

(a) Have 200 hours or more of X-ray laboratory instruction and practice in the actual use of an energized X-ray unit, setting techniques and practicing positioning of the appropriate diagnostic radiographic procedures that they intend to administer; and

(b) Must have completed the required radiation use and safety hours and a minimum of 50 hours in X-ray laboratory before X-raying a human patient.

(4) Radiation Use and Safety Instructor Qualifications. The training required in sections (1), (2) and (3) of this rule must be taught by an Authority approved instructor. Approval shall be based upon the following criteria:

(a) Medical use and safety instructor: An individual who is currently licensed as a radiologic technologist and approved as an education provider by the Oregon Board of Medical Imaging.

(b) A dental radiation use and safety instructor is an individual who has:

(A) Passed the Radiation Health and Safety (RHS) or the Certified Dental Assistant (CDA) examination administered DANB; or

(B) Has been evaluated and approved as a qualified dental radiation use and safety instructor by the Oregon Board of Dentistry; and

(C) Is currently licensed by the Oregon Board of Dentistry as a dentist; or

(D) Is a dental hygienist; or

(E) Is a dental assistant certified in radiologic proficiency and has a minimum of two years of experience in taking dental radiographs.

(c) A veterinarian radiation use and safety instructor is an individual who:

(A) Is currently credentialed with the Oregon Veterinary Medical Examining Board, or licensed as a radiologic technologist by the Oregon Board of Medical Imaging; and

(B) Has completed training specific to veterinarian radiography, including training in animal restraint; and

(C) Has a minimum of two years of experience in taking veterinary radiographs.

(d) On a case by case basis, if an evaluation by the Authority reveals the individual has alternative qualifications that are substantially equivalent to the qualifications listed in subsections (4)(a), (4)(b) or (4)(c) of this rule; or

(A) Is an individual who is qualified under OAR 333-101-0230 as a Hospital Radiology Inspector; or

(B) The individual meets the requirements of a qualified expert as defined in OAR 333-101-0005(80).

(5) In addition to the requirements in sections (2), (9), (10) and (13), of this rule the dental X-ray equipment operator must also satisfy any requirements established by the Oregon Board of Dentistry.

(6) The operator shall be able to demonstrate competency in the safe use of the X-ray equipment and associated X-ray procedures.

(7) Any diagnostic medical X-ray operator is deemed to have adequate training to meet the requirements of section (1) of this rule if they meet any of the following:

(a) Holds a current license from the Oregon Board of Medical Imaging; or

ADMINISTRATIVE RULES

(b) Holds a current limited permit from the Oregon Board of Medical Imaging; or

(c) Is a student in a two-year approved school of radiologic technology as defined in ORS 688.405 while practicing radiologic technology under the supervision of a radiologist who is currently licensed with the Oregon Medical Board or a radiologic technologist who is currently registered with the American Registry of Radiologic Technologists and licensed with the Oregon Board of Medical Imaging; or

(d) Is a student in an Oregon Board of Medical Imaging approved limited permit program under a radiologic technologist who is currently registered with the American Registry of radiologic technologists and licensed by the Oregon Board of Medical Imaging.

(8) Dental radiology students in an approved Oregon Board of Dentistry dental radiology course are permitted to take dental radiographs on human patients during their clinical training, under the indirect supervision of a dentist or dental hygienist currently licensed or a dental assistant who has been certified in radiologic proficiency, by the Oregon Board of Dentistry provided that:

(a) They are enrolled in an Oregon Board of Dentistry approved radiology course; or

(b) A student studying under an Oregon Board of Dentistry approved radiology instructor; and

(c) The student has written authorization, signed by their instructor, attesting that the student has successfully completed training in the subject areas in section (1) of this rule; and

(d) Demonstrated to the instructor that they are ready to take dental radiographs on human patients through:

(A) The use of mannequins under indirect supervision; or

(B) Taking dental radiographs of human patients while under the direct supervision of the instructor; and

(C) The written authorization is on the training program or Oregon Board of Dentistry approved instructor's letterhead, a copy of which is maintained at the site(s) of their clinical training and available for review by the Oregon Health Authority, Public Health Division inspection staff at the time of inspection.

(9) The students identified in section (8) of this rule are prohibited from taking radiographs on human patients without proper authorization from a practitioner of the healing arts who is currently licensed in Oregon, as required in OAR 333-106-0035.

(10) The students identified in section (8) of this rule are considered to be in "student status" until they have successfully completed the clinical phase of their training. "Student status" shall not exceed a period of 12 consecutive months.

(11) Radiation use and safety training programs approved prior to May 1, 2005 shall continue to be considered as meeting the requirements of section (1) of this rule provided they cover those portions of the Oregon Rules for the Control of Radiation indicated in subsection (1)(h) of this rule.

(12) X-ray operator training approved prior to May 1, 2005 shall continue to be considered as having met the requirements of sections (1), (2) or (3) of this rule as applicable.

(13) Reciprocity. X-ray equipment operators who have received their radiation safety training outside of Oregon shall be considered to have met the training requirements listed in sections (1) or (2) of this rule, if the Authority's or applicable Oregon Licensing Board's evaluation of their training or training and experience, reveals that they substantially meet the intent of sections (1) or (2) of this rule.

(14) When required by the Authority, applications training must be provided to the operator before use of X-ray equipment on patients.

(a) Records of this training must be maintained by the registrant for inspection.

(b) The training may be in any format such as hands-on training by a manufacturer's representative, video or DVD instruction, or a training manual.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 24-1994, f. & cert. ef. 9-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 5-2005, f. & cert. ef. 4-11-05; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08; PH 20-2010, f. & cert. ef. 9-1-10; PH 10-2011, f. 9-30-11, cert. ef. 10-1-11; PH 24-2014, f. & cert. ef. 8-15-14

333-106-0325

Intraoral Dental Radiographic Systems

In addition to the provisions of OAR 333-106-0010 through 333-106-0101, the requirements of this rule apply to X-ray equipment and facilities

where intraoral dental radiography is conducted. Requirements for extraoral dental radiographic systems are covered in OAR 333-106-0301 through 333-106-0320. Intraoral dental radiographic systems must meet the following requirements:

(1) Source-to-Skin Distance (SSD). X-ray systems designed for use with an intraoral image receptor shall be provided with means to limit source-to-skin distance, to not less than 18cm.

(2) Beam Limitation. Radiographic systems designed for use with an intraoral image receptor shall be provided with means to limit the X-ray beam such that:

(a) If the minimum source-to-skin distance (SSD) is 18 centimeters or more, the X-ray field, at the minimum SSD, shall be containable in a circle having a diameter of no more than seven centimeters; or

(b) If the minimum SSD is less than 18 centimeters, the X-ray field, at the minimum SSD, shall be containable in a circle having a diameter of no more than six centimeters.

(3) Radiation Exposure Control (Timers). Means shall be provided to control the radiation exposure through the adjustment of exposure time in seconds, milliseconds (ms) or, number of pulses, or current/milliamps (mA), or the product of current and exposure time (mAs) or adjustment of kVp. In addition:

(a) Exposure Initiation. Means shall be provided to initiate the radiation exposure by a deliberate action on the part of the operator, such as the depression of a switch. Radiation exposure shall not be initiated without such an action; and

(b) It shall not be possible to make an exposure when the timer is set to a "0" or "off" position if either position is provided;

(c) Exposure Indication. Means shall be provided for visual indication, observable at or from the operator's protected position, whenever X-rays are produced. In addition, a signal audible to the operator shall indicate that the exposure has terminated.

(d) Timer Reproducibility. With a timer setting of 0.5 second or less, the average exposure time (T) shall be greater than or equal to five times the minimum exposure time (Tmax) minus the minimum exposure time (Tmin) when four timer tests are performed: $(T) > 5 (Tmax - Tmin)$.

(A) Means shall be provided to terminate the exposure at a preset, time interval, mAs, number of pulses, or radiation to the image receptor.

(B) An X-ray exposure control shall be incorporated into each system such that an exposure can be terminated by the operator at any time, except for exposures of 0.5 second or less.

(C) Termination of an exposure shall cause automatic resetting of the timer to its initial setting or to "0".

(4) Radiation Exposure Control Location and Operator Protection. Each X-ray control must be located in such a way as to meet the following requirements:

(a) The exposure switch shall be able to be operated in a protected area, as defined in OAR 333-106-0005(80), and the operator shall remain in that protected area during the entire exposure; and

(b) The operator's protected area shall provide visual indication of the patient during the X-ray procedure.

(c) Mobile and portable X-ray systems which are:

(A) Used for greater than one week in the same location, such as a room or suite, shall meet the requirements of subsections (4)(a) and (4)(b) of this rule.

(B) Used for less than one week at the same location, such as a room or suite, shall be provided with:

(i) Either a protective barrier of at least 6.5 feet (2 meters) high for operator protection; or

(ii) A means to allow the operator to be at least nine feet (2.7 meters) from the tube housing assembly while making exposures; or

(iii) A full length protective apron, of not less than 0.25 millimeter lead equivalent for operator protection, when using a hand-held dental intraoral X-ray machine.

(5) Exposure Reproducibility. The coefficient of variation shall not exceed 0.05 when all technique factors are held constant. This requirement shall be deemed to have been met if, when four exposures are made at identical technique factors, the value of the average exposure (E) is greater than or equal to five times the maximum exposure (Emax) minus the minimum exposure (Emin): $E > 5 (Emax - Emin)$

(6) Accuracy.

(a) Deviation of technique factors from the indicated values for kVp and exposure time (if time is independently selectable) shall not exceed the limits specified for that system by its manufacturer.

ADMINISTRATIVE RULES

(b) kVp Limitations. Dental X-ray machines with a nominal fixed kVp of less than 55 kVp shall not be used to make diagnostic dental radiographs on humans.

(7) Administrative Controls.

(a) Patient and film holding devices shall be used when the techniques permit;

(b) The tube housing and the PID shall not be hand held during an exposure;

(c) The X-ray system shall be operated in such a manner that the useful beam at the patient's skin does not exceed the requirements of subsection (2)(a) of this rule or its updated version;

(d) All patients shall be provided with a leaded apron during any dental X-ray exposure;

(e) Dental fluoroscopy without image intensification shall not be used;

(f) Pointed cones shall not be utilized unless specific authorization has been granted by the Authority.

(8) Hand-held X-ray systems.

(a) Registrants must provide for security and safe storage while not in use. A report must be filed with the Authority within 72 hours if the hand-held unit is lost or stolen.

(b) The image receptor used with hand-held dental X-ray systems must either be:

(A) A speed class of intra-oral film designated as "E/F", "F" or faster; or

(B) A digitally acquired image (CR or DR).

(c) The hand-held X-ray system must be equipped with a permanent-ly attached backscatter shield of 0.25 mm Pb equivalent.

(d) The backscatter shield must be designed to appropriately protect the operator during an exposure. The manufacturer of the hand-held unit must provide documentation to the Authority of the design specifications of the backscatter shield's protection to the operator prior to sale and distribution in the State of Oregon.

(e) The hand-held unit must be capable of a minimum of 60 kVp and 2.0 mA.

(f) Hand-held units not meeting the requirements of subsections (8)(c), (8)(d) and (8)(e) of this rule may not be sold, distributed or used in the State of Oregon.

(9) Hand-held dental X-ray administrative controls.

(a) The operator must wear a whole body protective apron and thyroid collar of 0.25 mm of lead equivalent when using the unit.

(b) Hand-held units must meet the requirement of OAR 333-106-0045(3).

(A) The hand-held unit shall not be used for patient examinations in hallways and waiting rooms.

(B) The unit can only be operated in an enclosed room when possible. All individuals except the X-ray operator and the patient must leave the room and stand behind a protective barrier or be at least six feet from the X-ray source if a protective barrier is not available during radiographic exposures.

(c) Operators must complete machine specific applications training as described in OAR 333-106-0055(14) before using a hand-held unit.

(A) Training on the safe use of the unit shall be documented and include at a minimum:

(i) Proper positioning of the unit to ensure an adequate protected position;

(ii) Limitations on the use of position indicating devices that require longer distances to the patient's face;

(iii) Diagrams such as drawings, illustrations, or schematics of protected position and location in relationship to the unit;

(iv) Diagrams such as drawings, illustrations, or schematics of the effect of improper distance or removal of shielding device; and

(v) Diagrams such as drawings, illustrations, schematics of common examples of improper positioning of the unit and or location of the operator.

(d) An appropriate receptor holder must be used during the X-ray exposure.

(e) A PID must be used during the X-ray exposure.

(f) A hand-held unit shall be held without any motion during a patient examination. A tube stand may be utilized to immobilize the hand-held unit during a patient examination.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 4-1985, f. & ef. 3-20-85; HD 1-1991, f. & cert. ef. 1-8-91; HD 15-1994, f. & cert. ef. 5-6-94; HD 1-1995, f. & cert. ef. 4-26-95; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08; PH 20-2010, f. & cert. ef. 9-

1-10; PH 10-2011, f. 9-30-11, cert. ef. 10-1-11; PH 4-2013, f. & cert. ef. 1-29-13; PH 24-2014, f. & cert. ef. 8-15-14

333-106-0345

Purpose and Scope

(1) OAR 333-106-0350 through 333-106-0369 establishes requirements governing the use of computed tomography (CT) scanners in the healing arts; and

(2) Applies to all registrants who use a CT scanner for the intentional exposure of humans for diagnostic imaging.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 24-2014, f. & cert. ef. 8-15-14

333-106-0350

Definitions

In addition to the definitions provided in division 100 and 106 of these rules, the following definitions shall be applicable to OAR 333-106-0350 through 333-106-0369.

(1) "Annual" means a period of 12 consecutive months, not to exceed a period of 14 months.

(2) "Computed tomography (CT)" means the production of a tomogram by the acquisition and computer processing of X-ray transmission data. Computed tomography includes the capability of producing axial tomograms.

(3) "Computed Tomography Dose Index" means the integral from -7T to +7T of the dose profile along a line perpendicular to the tomographic plane divided by the product of the nominal tomographic section thickness and the number of tomograms produced in a single scan. This definition assumes that the dose profile is centered around $z = 0$ and that, for a multiple tomogram system, the scan increment between adjacent scans is nT.

(4) "Contrast scale" or "CS" means the change in the linear attenuation coefficient per CTN relative to water.

(5) "CT conditions of operation" means all selectable parameters governing the operation of a CT X-ray system including, but not limited to, nominal tomographic section thickness, filtration, and the technique factors as defined in OAR 333-106-0005.

(6) "CT gantry" means the tube housing assemblies, beam-limiting devices, detectors, and the supporting structures and frames which hold these components.

(7) "CT number" means the number used to represent the X-ray attenuation associated with each elemental area of the CT image.

(8) "CT scanner" means a CT machine capable of performing CT scans of the head, other body parts, or full body patient procedures including PET/CT and SPECT/CT hybrid scanners if used for diagnostic CT procedures.

(9) "CTDIvol" (see computed tomography dose index).

(10) CTN (see CT number).

(11) "Dose-length product (DLP)" is the CTDIvol multiplied by the scan length (image thickness multiplied by the number of adjacent, non-overlapped images in the acquisition in centimeters).

(12) "Dose profile" means the dose as a function of position along a line.

(13) "Elemental area" means the smallest area within a tomogram for which the X-ray attenuation properties of a body are depicted (see also picture element.)

(14) "Multiple tomogram system" means a computed tomography X-ray system which obtains X-ray transmission data simultaneously during a single scan to produce more than one tomogram.

(15) "Noise" means the standard deviation of the fluctuations in CTN expressed as a percentage of the attenuation coefficient of water.

(16) "Nominal tomographic section thickness" means the full width at half-maximum of the sensitivity profile taken at the center of the cross-sectional volume over which X-ray transmission data are collected.

(17) "Picture element" means an elemental area of a tomogram.

(18) "Positron emission tomography (PET)" means an imaging technique that uses positron-emitting radionuclides to produce 3-dimensional images of functional processes in the body.

(19) "Qualified CT medical physicist" means an individual qualified in accordance with OAR 333-106-0367.

(20) "Reference plane" means a plane which is displaced from and parallel to the tomographic plane.

(21) "Scan" means the complete process of collecting X-ray transmission data for the production of a tomogram. Data can be collected simultaneously during a single scan for the production of one or more tomograms.

ADMINISTRATIVE RULES

(22) "Scan increment" means the amount of relative displacement of the patient with respect to the CT X-ray system between successive scans measured along the direction of such displacement.

(23) "Scan sequence" means a preselected set of two or more scans performed consecutively under preselected CT conditions of operation.

(24) "Scan time" means the period of time between the beginning and end of X-ray transmission data accumulation for a single scan.

(25) "Single photon emission computed tomography (SPECT)" means an imaging technique that uses radionuclides to produce 3-dimensional images of functional processes in the body.

(26) "Single Tomogram System" means a CT X-ray system which obtains X-ray transmission data during a scan to produce a single tomogram.

(27) "Tomogram" means the depiction of the attenuation properties of a section through a body.

(28) "Tomographic plane" means that geometric plane which is identified as corresponding to the output tomogram.

(29) "Tomographic section" means the volume of an object whose X-ray attenuation properties are imaged in a tomogram.

(30) "Traceable to a national standard" means an instrument is calibrated at either the National Institute of Standards and Technology (NIST) or at a calibration laboratory that participates in a proficiency program with the NIST at least once every two years and the results of the proficiency test conducted within 24 months of calibration show agreement within plus or minus three percent of the national standard in the appropriate energy range.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08; PH 24-2014, f. & cert. ef. 8-15-14

333-106-0355

CT Equipment Requirements

(1) CT equipment requirements shall comply with the Food and Drug Administration's 21 CFR in the following areas:

(a) Information to be provided for users — Part 1020.33(c);

(b) Quality Assurance — Part 1020.33(d);

(c) Control and indication of conditions of operation — Part 1020.33(f);

(d) Tomographic plane indication and alignment — Part 1020.33(g);

(e) Beam-on and status indicators — Part 1020.33(h);

(f) Scan increment accuracy — Part 1020.33(i); and

(g) CT number mean and standard deviation — Part 1020.33(j).

(2) CT equipment shall be maintained in compliance with the requirements of section (1) of this rule.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 12-2006, f. & cert. ef. 6-16-06; PH 14-2008, f. & cert. ef. 9-15-08; PH 24-2014, f. & cert. ef. 8-15-14

333-106-0360

Facility Design Requirements

(1) A fixed CT scanner room shall be a permanent part of the building or equipment. Portable shields shall not be used for permanent installations.

(2) The CT scanner shall be situated in a protected area and is subject to design approval by a qualified expert. National Council on Radiation Protection and measurements (NCRP) Report #147 shall be used as guidance for determining adequate shielding.

(3) The control panel for a fixed CT scanner shall be in a protected area.

(4) Movable barriers with electrical interlocks shall not be approved in lieu of compliance with section (3) of this rule.

(5) The operator of a fixed CT scanner shall be able to see and communicate with the patient from the protective area at the control panel. When an observation window is provided, it shall have a lead equivalence at least equal to that required of the control barrier in which it is installed.

(6) Mobile or portable CT scanners used routinely in one location shall be considered a fixed installation and shall comply with the requirements of sections (1) through (5) of this rule.

(7) CT scanners mounted in a vehicle or trailer must meet requirements of sections (1) through (5) of this rule.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.775

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 24-2014, f. & cert. ef. 8-15-14

333-106-0361

Radiation Protection Surveys

(1) The registrant must ensure that radiation protection surveys are performed at new facilities, at existing facilities not previously surveyed, and anytime the CT scanner is replaced, moved or structural changes are made in the room.

(2) In new facilities, a radiation protection survey must be completed prior to the first clinical use following installation.

(3) The radiation protection survey must be performed by a qualified CT medical physicist as defined in OAR 333-106-0367 or a qualified expert as defined in OAR 333-100-0005.

(4) Surveys must be conducted with an operable radiation survey instrument that has been calibrated according to manufacturer's specifications, not to exceed 24 months. If manufacturer specifications are not available, then the radiation survey instrument shall be calibrated every 12 months.

(5) The qualified CT medical physicist or qualified expert must verify that:

(a) Radiation levels in restricted areas are not likely to cause personnel to receive exposures in excess of the limits specified in OAR 333-120-0100(1); and

(b) Radiation levels in unrestricted areas do not exceed the limits specified in OAR 333-120-0180 and 333-120-0190.

(6) The radiation protection survey record must be documented and indicate all instances where the facility, in the opinion of the qualified medical physicist or qualified expert, is in violation of applicable regulations. The survey record must also include the:

(a) Date of the measurements;

(b) Reason the survey is required;

(c) Manufacturer's name, model number and serial number of the CT scanner;

(d) Manufacturer's name, model number and serial number of the instrument(s) used to measure radiation levels and the date last calibrated;

(e) Floor plan of the areas surrounding the exam room that were surveyed;

(f) Measured dose rate at several points in each area expressed in mSv/hr or mR/hr;

(g) Calculated maximum level of radiation over a period of one week for each restricted and unrestricted area;

(h) Signature of the individual responsible for conducting the survey; and

(i) The survey must be available for review at the time of inspection.

Stat. Auth.: ORS 453.605 - 453.807

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 24-2014, f. & cert. ef. 8-15-14

333-106-0362

Operating Procedures and Conditions of Operation

(1) Within six months following the effective date of these rules, the CT facility shall establish default scanning protocols in consultation with a qualified CT medical physicist.

(2) Default scanning protocols shall be password protected or a written policy shall be in place that prohibits anyone from changing protocols without documented approval from the CT medical director, lead CT technologist or supervising CT radiologist.

(a) Each facility shall establish a policy to review all of their default CT protocols at least annually to ensure they are correct and are the intended protocols.

(b) Written and signed documentation of this annual review shall be kept and made available for inspection for each CT unit at the facility.

(3) The CT operator shall ensure all technique factors and dose indices are appropriate for the protocol being used and the patient being imaged. This may be accomplished by reviewing dose indicator devices if available or dose indices such as the technique factors.

(4) The facility shall establish a written policy for retaking CT exams on patients.

(5) Staff shall not be required by the licensee or registrant to hold patients during CT examinations.

(6) When a patient must be held in position for a CT procedure, mechanical supporting or restraining devices shall be used unless contraindicated. If the patient must be held by an individual, this individual shall wear a protective apron of 0.5 millimeter minimum lead equivalence and be so positioned that no part of his or her body shall be in the path of the primary beam and that his or her body is as far as possible from the edge of the primary beam.

ADMINISTRATIVE RULES

(7) Only individuals whose presence is necessary are allowed in a CT scan room during exposure. Each individual, except the patient, shall be protected by at least 0.5 millimeter lead equivalent aprons or a whole body protective barrier.

(8) A CT scanner shall not be left unattended without locking the apparatus, room, or building in some manner which must prevent use of the apparatus by unauthorized persons.

Stat. Auth.: ORS 453.605 - 453.807
Stats. Implemented: ORS 453.605 - 453.807
Hist.: PH 24-2014, f. & cert. ef. 8-15-14

333-106-0363

Quality Control Program

(1) The registrant shall ensure that a CT quality assurance phantom is available for testing the CT system.

(2) Instructions on the use of the phantom shall be provided. The instructions shall include a schedule of tests appropriate for the CT system, the allowable variations for the test parameters, and a method to store the test results.

(3) Within six months following the effective date of these rules, a CT facility shall establish and implement a quality control program under the direction of a CT medical physicist.

(4) Evaluations and tests shall be performed following written procedures and methods.

(5) Corrective action shall be taken and documented according to instructions provided by the qualified CT medical physicist if the results of an evaluation or test fall outside the control limits.

(6) The qualified CT medical physicist shall determine the frequency of each test. An on-site CT Radiologic Technologist shall be identified to be responsible for the ongoing quality control testing.

(7) The ongoing quality control evaluation must include, at a minimum, the following:

- (a) Water CT number accuracy check and standard deviation (noise);
- (b) Artifact evaluation;
- (c) Visual checklist; and
- (d) Printer quality control (if used for primary interpretation).

Stat. Auth.: ORS 453.605 - 453.807
Stats. Implemented: ORS 453.605 - 453.807
Hist.: PH 24-2014, f. & cert. ef. 8-15-14

333-106-0364

Initial and Annual Qualified CT Medical Physicist Scanner Performance Evaluations

(1) A CT medical physicist shall complete an initial performance evaluation of the CT scanner before use on patients and annually thereafter.

(2) A performance evaluation of the CT system shall be performed after any change in the equipment which might cause a change in the radiation output or image quality.

(3) A calibrated dosimetry system shall be used to measure the radiation output of a CT scanner. Calibration of the dosimetry system shall be within the preceding 24 months, or per manufacturer's specifications, and shall be traceable to a national standard.

(4) A performance evaluation shall include the following, as a minimum:

- (a) Alignment light accuracy;
- (b) Alignment of table to gantry;
- (c) Gantry tilt, as appropriate;
- (d) Slice localization from scanned projection radiograph;
- (e) Table travel accuracy;
- (f) Image thickness;
- (g) Radiation beam width;
- (h) Image quality, including the following:
 - (A) Gray level performance of CT acquisition display monitors,
 - (B) Low-contrast performance,
 - (C) Image uniformity,
 - (D) Noise,
 - (E) Artifact evaluation, and
 - (F) Spatial resolution;
- (i) CT number uniformity;
- (j) Dosimetry, including the following:
 - (A) Dose indicator such as computed tomography dose index (CTDI_{vol}), and

- (B) Patient radiation dose for representative examinations.
- (k) A safety evaluation, including the following:
 - (A) Visual inspection,
 - (B) Audible and visual signals, and
 - (C) Posting requirements.

(l) A review of clinical protocols shall include at a minimum:

(A) An evaluation of scanner features, including kV, mAs, detector configuration, reconstructed scan width, pitch, reconstruction algorithm, and other features such as dose reduction options, including automatic exposure controls, iterative reconstruction techniques, etc. to ensure they are being properly utilized; and

(B) A review of the following clinical protocols, if they are used on the CT scanner:

- (i) Pediatric head (one year old);
- (ii) Pediatric abdomen (five years old; 40–50 pounds or approximately 20 kilograms);
- (iii) Adult head;
- (iv) Adult abdomen (70 kilograms);
- (v) High-resolution chest;
- (vi) Brain perfusion; and
- (vii) Low dose lung cancer screening exam.

(m) A review of the facility's ongoing quality control program, including test results and corrective action.

(5) Evaluations and tests shall be performed following written procedures and methods found in the latest ACR CT Quality Control Manual.

(6) The qualified CT medical physicist shall prepare a report that includes the following:

- (a) A summary of the performance evaluation required under section (1) of this rule;
- (b) Recommendations for necessary improvements; and
- (c) The type of dosimetry system used, including the date of the last calibration.

(7) The report required under section (6) of this rule shall be provided to the CT facility within 30 days after completion of the evaluation and shall be made available to the Authority upon request.

(8) The facility shall keep written documentation of actions taken in response to the recommendations from the performance evaluation report.

(9) Records of preventive maintenance and repair shall be retained for each CT scanner and be made available to the Authority upon request.

Stat. Auth.: ORS 453.605 - 453.807
Stats. Implemented: ORS 453.605 - 453.807
Hist.: PH 24-2014, f. & cert. ef. 8-15-14

333-106-0366

Dose Limits

The CT DI_{vol} for the following CT examinations on standard phantoms shall not exceed the dose limits listed below:

- (1) Adult head, 80 mGy;
- (2) Adult abdomen, 30 mGy;
- (3) Pediatric abdomen (five years of age or 40 pounds, 20 mGy; and
- (4) Pediatric head, 40 mGy.

Stat. Auth.: ORS 453.605 - 453.807
Stats. Implemented: ORS 453.605 - 453.807
Hist.: PH 24-2014, f. & cert. ef. 8-15-14

333-106-0367

Records and Report Retention

A facility with a CT scanner shall maintain records and reports on file and shall make the records and reports available for review by the Authority as follows:

(1) Records documenting the qualifications of all personnel who worked at the facility as an operator or CT medical physicist.

(2) Records of personnel no longer employed by the facility shall be kept on file until the next inspection following the employee's termination has been completed and the Agency has determined that the facility is in compliance with the CT personnel requirements.

(3) A report of a CT medical event required under OAR 333-106-0368 shall be maintained on file for at least seven years.

(4) Initial and annual CT medical physicist performance evaluation reports required under OAR 333-106-0364 shall be maintained on file for at least five years.

(5) Records of the results from the ongoing quality control evaluation required under OAR 333-106-0363 shall be maintained on file for at least three years.

Stat. Auth.: ORS 453.605 - 453.807
Stats. Implemented: ORS 453.605 - 453.807
Hist.: PH 24-2014, f. & cert. ef. 8-15-14

333-106-0368

Qualified CT Medical Physicist

In order to perform a CT survey or provide consultative services on a CT unit, a person must be approved by the Authority, under the provisions of OAR 333-101-0020, as a provider of radiation services in CT. In addition,

ADMINISTRATIVE RULES

tion, the qualified CT medical physicist shall meet the requirements outlined below:

(1) Initial qualifications. Before beginning to provide consultation to a CT facility, a medical physicist shall meet one of the following:

(a) Be certified in diagnostic radiological physics or radiological physics by the American Board of Radiology, or in diagnostic imaging physics by the American Board of Medical Physics, or in diagnostic radiology physics by the Canadian College of Physicists in Medicine; or

(b) Have a graduate degree in medical physics, radiological physics, physics, or other relevant physical science or engineering discipline from an accredited institution and have formal coursework in the biological sciences with at least one course in biology or radiation biology and one course in anatomy, physiology, or similar topics related to the practice of medical physics, and have three years of documented experience in a clinical CT environment. An accredited institution is a college or university accredited by a regional accrediting organization that has been recognized either by the U.S. department of education (USDE) or by the council for higher education accreditation (CHEA) or both. Individuals with non-U.S. degrees shall provide documentation that their foreign degrees are equivalent to those granted from an approved institution in the U.S. and that the granting institution is equivalent to a regionally accredited institution in the USA; or

(c) CT medical physicists who, prior to August 1, 2014, have been actively working in the area of CT in the State of Oregon and are specifically approved by the Authority to provide CT medical physics services in Oregon, are exempt from the requirements in subsections (a) and (b) this section.

(2) Continuing experience. After the second anniversary of the date when the requirements of section (1) of this rule were completed, the medical physicist shall have evaluated at least two CT scanners in the prior 24-month period.

(3) Continuing education. After the third anniversary of the date when the requirements of section (1) of this rule were completed, the CT medical physicist shall have earned at least 15 continuing medical education units; at least half shall be category 1, in the prior 36-month period. The continuing education shall include credits pertinent to CT.

(4) Re-establishing qualifications. A CT medical physicist who fails to maintain the required continuing experience or continuing education requirements shall reestablish his or her qualifications before resuming the independent evaluation of CT scanners and facilities, as follows:

(a) A CT medical physicist who fails to meet the continuing experience requirements of section (2) of this rule shall evaluate two CT scanners under the supervision of a medical physicist, to meet the requirements of section (2) of this rule.

(b) A CT medical physicist who fails to meet the continuing education requirements of section (3) of this rule shall obtain a sufficient number of additional continuing education credits to meet the requirements of section (3) of this rule.

(5) Documentation of continuing education and continuing experience shall be kept on file and made available to an inspector upon request.

Stat. Auth.: ORS 453.605 - 453.807
Stats. Implemented: ORS 453.605 - 453.807
Hist.: PH 24-2014, f. & cert. ef. 8-15-14

333-106-0369

Report and Notification of a CT Medical Event

(1) A CT facility shall notify the Authority within 48 hours of any CT medical event in which a patient who has undergone a CT study has incurred a deterministic radiation injury, such as epilation or erythema.

(2) The registrant shall submit a written report to the Authority within 30 days after the CT medical event is discovered.

(3) The written report shall include all of the following:

(a) The registrant's name, address, facility registration number, and machine registration tag number as they appear on the registration certificate;

(b) The name of the individual who determined a CT medical event occurred;

(c) The dates of occurrence and discovery of the CT medical event;

(d) A narrative description of the CT medical event, including an estimated dose to the patient, if possible, and body part involved;

(e) The cause of the CT medical event;

(f) The effect on the individual who received the exposure;

(g) A narrative detailing corrective action taken or planned to prevent a recurrence;

(h) Certification that the registrant notified the individual or the individual's responsible relative or guardian and, if not, why not; and

(i) The name and signature of the person preparing the report.

(4) The report shall not contain the name of the individual who is the subject of the CT medical event or any other information that could lead to identification of the individual.

(5) The registrant shall consult with the referring physician prior to notifying the individual that they were involved in a CT medical event.

(a) The registrant shall ensure that the individual was notified of the CT medical event no later than one week after the discovery unless unforeseen circumstances exist.

(b) The registrant shall not delay any appropriate medical care for the individual, including any necessary remedial care as a result of the CT medical event.

(c) If verbal notification is necessary, the registrant shall inform the individual or legal guardian that a written description of the CT medical event can be obtained from the registrant.

Stat. Auth.: ORS 453.605 - 453.807
Stats. Implemented: ORS 453.605 - 453.807
Hist.: PH 24-2014, f. & cert. ef. 8-15-14

333-116-0045

Provisions for Research Involving Human Subjects.

(1) A licensee may conduct research involving human research subjects only if it uses the byproduct materials specified in, and for the uses authorized by its license.

(2) If the research is conducted, funded, supported, or regulated by a federal agency that has implemented the Federal Policy for the Protection of Human Subjects (Federal Policy), the licensee shall, before conducting research:

(a) Obtain review and approval of the research from an Institutional Review Board, as defined and described in the Federal Policy; and

(b) Obtain "informed consent," as defined and described in the Federal Policy, from the human research subject.

(3) If the research is not conducted, funded, supported, or regulated by another federal agency that has implemented the Federal Policy, the licensee shall, before conducting research, submit a license amendment request to the Authority and receive approval by amendment. The amendment request must include a written commitment that the licensee must, before conducting research;

(a) Obtain review and approval of the research from an Institutional Review Board, as defined and described in the Federal Policy; and

(b) Obtain informed consent, as defined and described in the Federal Policy, from the human research subject.

(4) Nothing in this rule relieves licensees from complying with other requirements in this division.

Stat. Auth.: ORS 453.635
Stats. Implemented: ORS 453.605 - 453.807
Hist.: PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 24-2014, f. & cert. ef. 8-15-14

333-116-0190

Authorization for Calibration and Reference Source

Any person authorized by OAR 333-116-0030 for medical use of radioactive material may receive, possess and use the following radioactive material for check, calibration and reference use:

(1) Sealed sources manufactured and distributed by persons specifically licensed pursuant to OAR 333-102-0290 or equivalent provisions of the U.S. Nuclear Regulatory Commission (NRC) Agreement State or Licensing State and that do not exceed 1.11GBq (30 mCi) each;

(2) Any radioactive material listed in OAR 333-116-0300, 333-116-0320 or 333-116-0360 with a half-life of 100 days or less in individual amounts not to exceed 1.11GBq (30 mCi), except Y-90 sources not to exceed 2.8 GBq (75 mCi);

(3) Any radioactive material listed in OAR 333-116-0300, 333-116-0320 or 333-116-0360 with a half-life greater than 100 days in individual amounts not to exceed 7.4 MBq (200 uCi) each; and

(4) Technetium-99m in individual amounts to exceed 1.85 GBq (50 mCi).

Stat. Auth.: ORS 453.635
Stats. Implemented: ORS 453.605 - 453.807
Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08; PH 4-2010, f. & cert. ef. 2-16-10; PH 24-2014, f. & cert. ef. 8-15-14

333-116-0680

Training for Therapeutic Use of Radiopharmaceuticals

Except as provided in OAR 333-116-0740, the licensee must require an authorized user of unsealed byproduct material for the uses authorized under 333-116-0360 to be a physician who:

ADMINISTRATIVE RULES

(1)(a) Is certified by a medical specialty board whose certification process has been recognized by the NRC or an Agreement State and who meets the requirements in paragraph (2)(b)(F) and subsection (2)(c) of this rule. (Specialty boards whose certification processes have been recognized by the NRC or an Agreement State shall be posted on the NRC's webpage). To be recognized, a specialty board shall require all candidates for certification to:

(b) Successfully complete residency training in a radiation therapy or nuclear medicine training program or a program in a related medical specialty. These residency training programs must include 700 hours of training and experience as described in subsection (2)(a) through paragraph (2)(b)(E). Eligible training programs must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, or the Committee on Post-Graduate Training of the American Osteopathic Association; and

(b) Pass an examination, administered by diplomats of the specialty board, which tests knowledge and competence in radiation safety, radionuclide handling, quality assurance, and clinical use of unsealed byproduct material for which a written directive is required; or

(2) Has completed 700 hours of training and experience, including a minimum of 200 hours of classroom and laboratory training in basic radionuclide handling techniques applicable to the medical use of unsealed byproduct material requiring a written directive. The training and experience must include:

(a) Classroom and laboratory training in the following NRC areas:

(A) Radiation physics and instrumentation;

(B) Radiation protection;

(C) Mathematics pertaining to the use and measurement of radioactivity;

(D) Chemistry of byproduct material for medical use; and

(E) Radiation biology; and

(b) Work experience, under the supervision of an authorized user who meets the requirements in OAR 333-116-0740, and sections (1) and (2) of this rule, or NRC or equivalent Agreement State requirements. A supervising authorized user, who meets the requirements in section (2) of this rule, must have experience in administering dosages in the same dosage category or categories as given in OAR 333-116-0680(2)(b)(F) as the individual requesting authorized user status. The work experience must involve:

(A) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;

(B) Performing quality control procedures on instruments used to determine the activity of dosages, and performing checks for proper operation of survey instruments;

(C) Calculating, measuring and safely preparing patient or human research subject dosages;

(D) Using administrative controls to prevent a medical event involving the use of unsealed byproduct material;

(E) Using procedures to contain spilled byproduct material safely and using proper decontamination procedures; and

(F) Administering dosages of radiopharmaceutical drugs to patients or human research subjects involving a minimum of three cases in each of the following categories for which the individual is requesting authorized user status:

(i) Oral administration of less than or equal to 1.22 Gigabecquerels (33 millicuries) of sodium iodide I-131;

(ii) Oral administration of greater than 1.22 Gigabecquerels (33 millicuries) of sodium iodide I-131;

NOTE: Experience with at least three cases in subparagraph (ii) also satisfies the requirement in subparagraph (i).

(iii) Parenteral administration of any beta emitter or a photon-emitting radionuclide with a photon energy less than 150 keV; or

(iv) Parenteral administration of any other radionuclide; and

(c) Has obtained written attestation that the individual has satisfactorily completed the requirements in sections (1) and (2) and paragraph (2)(b)(F) of this rule, and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under OAR 333-116-0360. The written attestation must be signed by a preceptor authorized user who meets the requirements in 333-116-0740, 333-116-0680 or equivalent NRC or Agreement State requirements. The preceptor authorized user, who meets the requirements in section (2) of this rule, must have experience in administering dosages in the same dosage category or categories as given in 333-116-0680(2)(b)(F)(i), (ii), (iii), or (iv) as the individual requesting authorized user status.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 5-2005, f. & cert. ef. 4-11-05; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08; PH 10-2011, f. 9-30-11, cert. ef. 10-1-11; PH 4-2013, f. & cert. ef. 1-29-13; PH 14-2013, f. 12-26-13, cert. ef. 1-1-14; PH 24-2014, f. & cert. ef. 8-15-14

333-116-0683

Training for the Oral Administration of Sodium Iodide I-131 Requiring a Written Directive in Quantities Less Than or Equal to 1.22 Gigabecquerels (33 millicuries)

Except as provided in OAR 333-116-0740, the licensee shall require an authorized user for the oral administration of sodium iodide I-131 requiring a written directive and the total treatment quantity is less than or equal to 1.22 Gigabecquerels (33 millicuries), to be a physician who:

(1) Is certified by a medical specialty board whose certification process includes all of the requirements in section (3) of this rule and whose certification has been recognized by the NRC or an Agreement State and who meets the requirements in subsection (3)(c) of this rule. (The names of board certifications which have been recognized by the NRC or an Agreement State are posted on the NRC's webpage); or

(2) Is an authorized user under OAR 333-116-0680 for uses listed in 333-116-0680(2)(b)(F)(i) or (ii) or 333-116-0687, or equivalent Agreement State requirements; or

(3) Has successfully completed 80 hours of classroom and laboratory training, applicable to the medical use of sodium iodide I-131 for procedures requiring a written directive.

(a) The training must include:

(A) Radiation physics and instrumentation;

(B) Radiation protection;

(C) Mathematics pertaining to the use and measurement of radioactivity;

(D) Chemistry of byproduct material for medical use; and

(E) Radiation biology; and

(b) Has work experience, under the supervision of an authorized user who meets the requirements in OAR 333-116-0680, 333-116-0683, 333-116-0687, 333-116-0740 or equivalent NRC or Agreement State requirements. A supervising authorized user who meets the requirements in 333-116-0680(2) must have experience in administering dosages as specified in 333-116-0680(2)(b)(F)(i) or (ii). The work experience must involve:

(A) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;

(B) Calibrating instruments used to determine the activity of dosages and performing checks for proper operation for survey meters;

(C) Calculating, measuring and safely preparing patient or human research subject dosages;

(D) Using administrative controls to prevent a medical event involving the use of byproduct material;

(E) Using procedures to contain spilled byproduct material safely and using proper decontamination procedures; and

(F) Administering dosages to patients or human research subjects, that includes at least three cases involving the oral administration of less than or equal to 1.22 Gigabecquerels (33 millicuries) of sodium iodide I-131; and

(c) Has obtained written attestation that the individual has satisfactorily completed the requirements in subsections (3)(a) and (3)(b) of this rule and has achieved a level of competency sufficient to function independently as an authorized user for medical uses authorized under OAR 333-116-0360. The written attestation must be signed by a preceptor authorized user who meets the requirements in OAR 333-116-0740, 333-116-0680, 333-116-0683, 333-116-0687 or equivalent NRC or Agreement State requirements. A preceptor authorized user, who meets the requirement in OAR 333-116-0680(2), must also have experience in administering dosages as specified in OAR 333-116-0680(2)(b)(F)(i) or (ii).

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08; PH 4-2010, f. & cert. ef. 2-16-10; PH 10-2011, f. 9-30-11, cert. ef. 10-1-11; PH 4-2013, f. & cert. ef. 1-29-13; PH 14-2013, f. 12-26-13, cert. ef. 1-1-14; PH 24-2014, f. & cert. ef. 8-15-14

333-116-0687

Training for Oral Administration of Sodium Iodide I-131 Requiring a Written Directive in Quantities Greater than 1.22 Gigabecquerels (33 millicuries)

Except as provided in OAR 333-116-0740, the licensee must require an authorized user for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than 1.22 Gigabecquerels (33 millicuries), to be a physician who:

ADMINISTRATIVE RULES

(1) Is certified by a medical specialty board whose certification process includes all of the requirements in subsection (3)(a) and (3)(b) of this rule and whose certification has been recognized by the NRC or an Agreement State, and who meets the requirements in subsection (3)(c) of this rule. (The names of board certifications which have been recognized by the NRC or an Agreement State are posted on the NRC's webpage); or

(2) Is an authorized user under OAR 333-116-0680 for uses listed in OAR 333-116-0680(2)(b)(F)(i), or equivalent NRC or Agreement State requirements; or

(3) Has successfully completed 80 hours of classroom and laboratory training, applicable to the medical use of sodium iodide I-131 for procedures requiring a written directive.

(a) The training must include:

(A) Radiation physics and instrumentation;

(B) Radiation protection;

(C) Mathematics pertaining to the use and measurement of radioactivity;

(D) Chemistry of byproduct material for medical use; and

(E) Radiation biology; and

(b) Has work experience, under the supervision of an authorized user who meets the requirements in OAR 333-116-0680, 333-116-0687, 333-116-0740, or equivalent NRC or Agreement State requirements. A supervising authorized user, who meets the requirements in OAR 333-116-0680(2), must have experience in administering dosages as specified in OAR 333-116-0680(2)(b)(F)(ii). The work experience must involve:

(A) Ordering, receiving and unpacking radioactive materials safely and performing the related radiation surveys;

(B) Calibrating instruments used to determine the activity of dosages and performing checks for proper operation for survey meters;

(C) Calculating, measuring and safely preparing patient or human research subject dosages;

(D) Using administrative controls to prevent a medical event involving the use of byproduct material;

(E) Using procedures to contain spilled byproduct material safely and using proper decontamination procedures; and

(F) Administering dosages to patients or human research subjects, that includes at least three cases involving the oral administration of greater than 1.22 Gigabecquerels (33 millicuries) of sodium iodide I-131; and

(c) Has obtained written attestation that the individual has satisfactorily completed the requirements in subsections (3)(a) and (3)(b) of this rule, and has achieved a level of competency sufficient to function independently as an authorized user for medical uses authorized under OAR 333-116-0360. The written attestation must be signed by a preceptor authorized user who meets the requirements in 333-116-0680, 333-116-0687, 333-116-0740, or equivalent Agreement State requirements. A preceptor authorized user, who meets the requirements in 333-116-0680(2), must have experience in administering dosages as specified in 333-116-0680(2)(b)(F)(ii).

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08; PH 4-2010, f. & cert. ef. 2-16-10; PH 10-2011, f. 9-30-11, cert. ef. 10-1-11; PH 4-2013, f. & cert. ef. 1-29-13; PH 14-2013, f. 12-26-13, cert. ef. 1-1-14; PH 24-2014, f. & cert. ef. 8-15-14

333-116-0690

Training for Therapeutic Use of Brachytherapy Source

Except as provided in OAR 333-116-0740, the licensee must require the authorized user using manual brachytherapy sources specified in OAR 333-116-0420 for therapy to be a physician who:

(1) Is certified by a medical specialty board whose certification process has been recognized by the NRC or an Agreement State, and who meets the requirements in subsection (2)(d) of this rule. (The names of board certifications which have been recognized by the NRC or an Agreement State are posted on the NRC's webpage.) To have its certification process recognized, a specialty board shall require all candidates for certification to:

(a) Successfully complete a minimum of three years of residency training in a radiation oncology program approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Committee on Post-Graduate Training of the American Osteopathic Association; and

(b) Pass an examination, administered by diplomats of the specialty board, that tests knowledge and competence in radiation safety, radionuclide handling, treatment planning, quality assurance and clinical use of manual brachytherapy; or

(2) Has completed a structured educational program in basic radionuclide handling techniques applicable to the use of manual brachytherapy sources that includes:

(a) 200 hours of classroom and laboratory training in the following areas:

(A) Radiation physics and instrumentation;

(B) Radiation protection;

(C) Mathematics pertaining to the use and measurement of radioactivity; and

(D) Radiation biology; and

(b) 500 hours of work experience, under the supervision of an authorized user who meets the requirements in this rule, OAR 333-116-0740 or equivalent NRC or Agreement State requirements at a medical institution, involving:

(A) Ordering, receiving and unpacking radioactive materials safely and performing the related radiation surveys;

(B) Checking survey meters for proper operation;

(C) Preparing, implanting and removing brachytherapy sources;

(D) Maintaining running inventories of material on hand;

(E) Using administrative controls to prevent a medical event involving the use of byproduct material; and

(F) Using emergency procedures to control byproduct material; and

(c) Has completed three years of supervised clinical experience in radiation oncology, under an authorized user who meets the requirements in OAR 333-116-0740, 333-116-0690, or equivalent NRC or Agreement State requirements, as part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education, or the Royal College of Physicians and Surgeons of Canada, or the Committee on Postdoctoral Training of the American Osteopathic Association. This experience may be obtained concurrently with the supervised work experience required by subsection (2)(b) of this rule; and

(d) Has obtained written attestation, signed by a preceptor authorized user who meets the requirements in OAR 333-116-0740, 333-116-0690, or equivalent NRC or Agreement State requirements, that the individual has satisfactorily completed the requirements in subsection (1)(a), or subsections (2)(a), (2)(b) and (2)(c) of this rule and has achieved a level of competency sufficient to function independently as an authorized user of manual brachytherapy sources for the medical uses authorized under 333-116-0420.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 12-2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08; PH 4-2010, f. & cert. ef. 2-16-10; PH 4-2013, f. & cert. ef. 1-29-13; PH 14-2013, f. 12-26-13, cert. ef. 1-1-14; PH 24-2014, f. & cert. ef. 8-15-14

333-118-0020

Definitions

As used in this division, the following definitions apply:

(1) "A1" means the maximum activity of special form radioactive material permitted in a Type A package. This value is either listed in Appendix A to 10 CFR Part 71, Table A-1, or may be derived in accordance with the procedures prescribed in Appendix A to 10 CFR Part 71.

(2) "A2" means the maximum activity of radioactive material, other than special form material, LSA, and SCO material, permitted in a Type A package. This value is either listed in Appendix A to 10 CFR Part 71, Table A-1, or may be derived in accordance with the procedures prescribed in Appendix A to 10 CFR Part 71.

(3) "Carrier" means a person engaged in the transportation of passengers or property by land or water as a common, contract, or private carrier, or by civil aircraft.

(4) "Closed transport vehicle" means a transport vehicle equipped with a securely attached exterior enclosure that during normal transportation restricts the access of unauthorized persons to the cargo space containing the radioactive material. The enclosure may be either temporary or permanent but shall limit access from top, sides, and ends. In the case of packaged materials, it may be of the "see-through" type.

(5) "Consignment" means each shipment of a package or groups of packages or load of radioactive material offered by a shipper for transport.

(6) "Conveyance" means for transport by public highway or rail any transport vehicle or large freight container; or for transport by water any vessel, or any hold, compartment, or defined deck area of a vessel including any transport vehicle on board the vessel; or for transport by aircraft.

(7) "Criticality Safety Index (CSI)" means the dimensionless number (rounded up to the next tenth) assigned to and placed on the label of a fissile material package, to designate the degree of control of accumulation of

ADMINISTRATIVE RULES

packages containing fissile material during transportation. Determination of criticality safety index is described in 10 CFR 71.22, 71.23, and 71.59.

(8) "Deuterium" means for the purposes of 10 CFR Parts 71.15 and 71.22, deuterium and any deuterium compounds, including heavy water, in which the ratio of deuterium atoms to hydrogen atoms exceeds 1:5000.

(9) "Exclusive use" means the sole use of a conveyance by a single consignor and for which all initial, intermediate, and final loading and unloading are carried out in accordance with the direction of the consignor or consignee. The consignor and the carrier must ensure that any loading or unloading is performed by personnel having radiological training and resources appropriate for safe handling of the consignment. The consignor must issue specific instructions, in writing, for maintenance of exclusive use shipment controls, and include them with the shipping paper information provided to the carrier by the consignor.

NOTE: The term "exclusive use" is used interchangeably with the terms "sole use" or "full load" in other regulations, such as Title 49 of the Code of Federal Regulations.

(10) "Fissile material" means the radionuclides plutonium-239, plutonium-241, uranium-233, and uranium-235, or any combination of these radionuclides. Fissile material means the fissile nuclides themselves, not material containing fissile nuclides. Unirradiated natural uranium and depleted uranium, and natural uranium or depleted uranium that has been irradiated in thermal reactors only, are not included in this definition. Certain exclusions from fissile material controls are provided in 10 CFR 71.15.

NOTE: Authority jurisdiction is limited to special nuclear material in quantities not sufficient to form a critical mass as defined in division 100 of this chapter.

(11) "Fissile material package" means a fissile material packaging together with its fissile material contents.

(12) "Graphite" means for the purposes of 10 CFR 71.15 and 71.22 and graphite with a boron equivalent content less than five parts per million and density greater than 1.5 grams per cubic centimeter.

(13) "Indian tribe" means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

(14) "Licensed material" means radioactive or special nuclear material received, possessed, used, or transferred under a general or specific license issued by the Authority.

NOTE: The definition of licensed material in this division is used in the same way as in 49 CFR 173.403.

(15) "Low specific activity (LSA) material" means radioactive material with limited specific activity that is nonfissile or is excepted under 10 CFR 71.15, and that satisfies the descriptions and limits set forth below. Shielding materials surrounding the LSA material may not be considered in determining the estimated average specific activity of the package contents. LSA material must be in one of three groups:

(a) LSA-I:

(A) Ores containing only naturally occurring radionuclides, such as uranium and thorium, that are not intended to be processed for the use of these radionuclides;

(B) Solid unirradiated natural uranium, depleted uranium, natural thorium, or their solid or liquid compounds or mixtures;

(C) Radioactive material, other than fissile material, for which the A2 value is unlimited; or

(D) Other radioactive material in which the activity is distributed throughout and the estimated average specific activity does not exceed 30 times the value for exempt material activity concentration determined in accordance with 10 CFR 71, Appendix A.

(b) LSA-II:

(A) Water with tritium concentration up to 0.8 TBq/liter (20.0 Ci/liter); or

(B) Material in which the radioactive material is distributed throughout, and the average specific activity does not exceed 10-4 A2/g for solids and gases, and 10-5 A2/g for liquids.

(c) LSA-III. Solids (consolidated wastes, activated materials) in which:

(A) The radioactive material is distributed throughout a solid or a collection of solid objects, or is essentially uniformly distributed in a solid compact binding agent (such as concrete, bitumen, and ceramic);

(B) The radioactive material is relatively insoluble, or it is intrinsically contained in a relatively insoluble material, so that, even under loss of packaging, the loss of radioactive material per package by leaching, when placed in water for seven days, shall not exceed 1E-1 A2; and

(C) The estimated average specific activity of the solid does not exceed 2E-3 A2 per gram.

(16) "Low toxicity alpha emitters" means natural uranium, depleted uranium, natural thorium; uranium-235, uranium-238, thorium-232, thorium-228 or thorium-230 when contained in ores or physical or chemical concentrates or tailings; or alpha emitters with a half-life of less than 10 days.

(17) "Natural thorium" means thorium with the naturally occurring distribution of thorium isotopes (essentially 100 weight percent thorium-232).

(18) "Normal form radioactive material" means radioactive material that has not been demonstrated to qualify as "special form radioactive material."

(19) "Package" means the packaging together with its radioactive contents as presented for transport.

(a) Fissile material package or Type AF package, Type BF package, Type B(U)F package, or Type B(M)F package means a fissile material packaging together with its fissile material contents.

(b) Type A package means a Type A packaging together with its radioactive contents. A Type A package is defined and must comply with the DOT regulations in 49 CFR part 173.

(c) Type B package means a Type B packaging together with its radioactive contents. On approval, a Type B package design is designated by NRC as B(U) unless the package has a maximum normal operating pressure of more than 700 kPa (100 lbs/in²) gauge or a pressure relief device that may allow the release of radioactive material to the environment under the tests specified in 10 CFR 71.73 (hypothetical accident conditions), in which case it shall receive a designation B(M). B(U) refers to the need for unilateral approval of international shipments; B(M) refers to the need for multilateral approval of international shipments. There is no distinction made in how packages with these designations may be used in domestic transportation. To determine their distinction for international transportation, see DOT regulations in 49 CFR Part 173. A Type B package approved before September 6, 1983, was designated only as Type B. Limitations on its use are specified in 10 CFR 71.19.

(20) "Packaging" means the assembly of components necessary to ensure compliance with the packaging requirements of 10 CFR Part 71.4. It may consist of one or more receptacles, absorbent materials, spacing structures, thermal insulation, radiation shielding, and devices for cooling or absorbing mechanical shocks. The vehicle, tie-down system, and auxiliary equipment may be designated as part of the packaging.

(21) "Regulations of the U.S. Department of Transportation" means the regulations in 49 CFR Parts 100-189 and Parts 390-397.

(22) "Regulations of the U.S. Nuclear Regulatory Commission" means the regulations in 10 CFR 71.

(23) "Special form radioactive material" means radioactive material that satisfies the following conditions:

(a) It is either a single solid piece or is contained in a sealed capsule that can be opened only by destroying the capsule;

(b) The piece or capsule has at least one dimension not less than five millimeters (0.2 inch.); and

(c) It satisfies the requirements of 10 CFR Part 71.75. A special form encapsulation designed in accordance with the requirements of 10 CFR Part 71.4 in effect on June 30, 1983 (see 10 CFR Part 71, revised as of January 1, 1983), and constructed before July 1, 1985 and a special form encapsulation designed in accordance with the requirements of 10 CFR Part 71.4 in effect on March 31, 1996 (see 10 CFR Part 71, revised as of January 1, 1983), and constructed before April 1, 1998, may continue to be used. Any other special form encapsulation must meet the specifications of this definition.

(24) "Specific activity" of a radionuclide means the radioactivity of a radionuclide per unit mass of that nuclide. The specific activity of a material in which the radionuclide is essentially uniformly distributed is the radioactivity per unit mass of the material.

(25) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(26) "Surface contaminated object (SCO)" means a solid object that is not itself classed as radioactive material, but which has radioactive material distributed on any of its surfaces. SCO must be in one of two groups with surface activity not exceeding the following limits:

(a) SCO-I: a solid object on which:

(A) The non-fixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 4 Bq/cm² (10-4 microcurie/cm²) for beta, gamma and low toxicity alpha emitters, or 0.4 Bq/cm² (10-5 microcurie/cm²) for all other alpha emitters;

ADMINISTRATIVE RULES

(B) The fixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 4x10⁴ Bq/cm² (1.0 microcurie/cm²) for beta, gamma and low toxicity alpha emitters, or 4x10³ Bq/cm² (0.1 microcurie/cm²) for all other alpha emitters; and

(C) The non-fixed contamination plus the fixed contamination on the inaccessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 4x10⁴ Bq/cm² (1 microcurie/cm²) for beta, gamma and low toxicity alpha emitters, or 4x10³ Bq/cm² (0.1 microcurie/cm²) for all other alpha emitters.

(b) SCO-II: a solid object on which the limits for SCO-I are exceeded and on which:

(A) The nonfixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 400 Bq/cm² (10-2 microcurie/cm²) for beta and gamma and low toxicity alpha emitters or 40 Bq/cm² (10-3 microcurie/cm²) for all other alpha emitters;

(B) The fixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 8 x 10⁵ Bq/cm² (20 microcuries/cm²) for beta and gamma and low toxicity alpha emitters, or 8 x 10⁴ Bq/cm² (2 microcuries/cm²) for all other alpha emitters; and

(C) The nonfixed contamination plus the fixed contamination on the inaccessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 8 x 10⁵ Bq/cm² (20 microcuries/cm²) for beta and gamma and low toxicity alpha emitters, or 8 x 10⁴ Bq/cm² (2 microcuries/cm²) for all other alpha emitters.

(27) "Transport index (TI)" means the dimensionless number, (rounded up to the next tenth) placed on the label of a package to designate the degree of control to be exercised by the carrier during transportation. The transport index is the number determined by multiplying the maximum radiation level in millisievert (mSv) per hour at one meter (3.3 ft) from the external surface of the package by 100 (equivalent to the maximum radiation level in millirem per hour at one meter (3.3 ft)).

(28) "Tribal official" means the highest ranking individual that represents Tribal leadership, such as the Chief, President, or Tribal Council leadership.

(29) "Type A quantity" means a quantity of radioactive material, the aggregate radioactivity of which does not exceed A1 for special form radioactive material or A2 for normal form radioactive material, where A1 and A2 are given in 10 CFR Part 71 Appendix A or may be determined by procedures described in 10 CFR Part 71 Appendix A.

(30) "Type A package" means a packaging that, together with its radioactive contents limited to A1 or A2 as appropriate, meets the requirements of 49 CFR 173.410 and 173.412 and is designed to retain the integrity of containment and shielding under normal conditions of transport as demonstrated by the tests set forth in 173.465 or 173.466, as appropriate.

(31) "Type B package" means a Type B packaging together with its radioactive contents.

NOTE: A Type B package design is designated as B(U) or B(M). B(U) refers to the need for unilateral approval of international shipments; B(M) refers to the need for multilateral approval. There is no distinction made in how packages with these designations may be used in domestic transportation. To determine their distinction for international transportation, refer to 49 CFR Part 173. A Type B package approved prior to September 6, 1983, was designated only as Type B. Limitations on its use are specified in OAR 333-118-0035.

(32) "Type B packaging" means a packaging designed to retain the integrity of containment and shielding when subjected to the normal conditions of transport and hypothetical accident test conditions set forth in 10 CFR Part 71.

(33) "Type B quantity" means a quantity of radioactive material greater than Type A quantity.

NOTE: 10 CFR Part 71 Appendix A referred to or incorporated by reference in this rule is attached to this division or available from the Authority.

(34) "Unirradiated uranium" means uranium containing not more than 2E+3 Bq of plutonium per gram of uranium-235, not more than 9E+6 Bq of fission products per gram of uranium-235, and not more than 5E-3 g of uranium-236 per gram of uranium-235.

(35) "Uranium — natural, depleted, enriched":

(a) "Natural uranium" means uranium isotopes with the naturally occurring distribution of uranium, isotopes (which is approximately 0.711 weight percent uranium-235, and the remainder by weight essentially uranium-238).

(b) "Depleted uranium" means uranium containing less uranium-235 than the naturally occurring distribution of uranium isotopes.

(c) "Enriched uranium" means uranium containing more uranium-235 than the naturally occurring distribution of uranium isotopes.

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

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08; PH 4-2010, f. & cert. ef. 2-16-10; PH 24-2014, f. & cert. ef. 8-15-14

333-118-0190

Advance Notification of Transport of Nuclear Waste

(1) Nuclear waste transports shall be transported as specified in 10 CFR Part 71.97.

(2) Each licensee shall provide advance notification to the Governor of the State of Oregon or designee of the shipment of licensed material through or across the boundary of the state before the transport or delivery to a carrier for transport of licensed material outside the confines of the licensee's plant or other place of storage.

(3) Each licensee shall provide advance notification to the Tribal official of participating Tribes referenced in section (4) of this rule, or the official's designee, of the shipment of licensed material, within or across the boundary of the Tribe's reservation, before the transport, or delivery to a carrier, for transport, of licensed material outside the confines of the licensee's plant or other place of use or storage.

(4) A list of the mailing addresses of the governors and governors' designees is available upon request from the Director, Office of State, Local, and Indian Tribe Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 1-1991, f. & cert. ef. 1-8-91; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 4-2007, f. & cert. ef. 3-1-07; PH 4-2010, f. & cert. ef. 2-16-10; PH 24-2014, f. & cert. ef. 8-15-14

333-120-0710

Notification of Incidents

(1) Immediate notification: Notwithstanding any other requirements for notification, each licensee, or registrant, must immediately report any event involving a device or licensed radioactive material possessed by the licensee, or registrant, which may have caused or threatens to cause any of the following conditions:

(a) An individual to receive:

(A) A total effective dose equivalent of 0.25 Sv (25 rem) or more; or

(B) A lens dose equivalent of 0.75 Sv (75 rem) or more; or

(C) A shallow-dose equivalent to the skin or extremities of 2.5 gray (250 rad) or more; or

(b) The release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake five times the occupational annual limit on intake (the provisions of this rule do not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures).

(2) Twenty-four hour notification: Each licensee or registrant must, within 24 hours of discovery of the event, report any event involving loss of control of a device or licensed radioactive material possessed by the licensee that may have caused, or threatens to cause, any of the following conditions:

(a) An individual to receive in a period of 24 hours:

(A) A total effective dose equivalent exceeding 0.05 Sv (5 rems); or

(B) A lens dose equivalent exceeding 0.15 Sv (15 rems); or

(C) A shallow-dose equivalent to the skin or extremities exceeding 0.5 Sv (5 rems); or

(b) The release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake in excess of one occupational annual limit on intake (the provisions of this rule do not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures).

(3) The licensee must prepare any report filed with the Authority pursuant to this rule so that names of individuals who have received exposure to radiation or radioactive material are stated in a separate and detachable part of the report.

(4) Reports made by licensees, or registrants, in response to the requirements of subsections (1)(a) and (b) of this rule must be made by telephone and either by telegram, electronic mail, or facsimile to the Authority.

(5) The provisions of this rule do not include doses that result from planned special exposures, that are within the limits for planned special exposures, and that are reported under OAR 333-120-0730.

Stat. Auth.: ORS 453.635

Stats. Implemented: ORS 453.605 - 453.807

Hist.: HD 15-1994, f. & cert. ef. 5-6-94; PH 3-2003, f. & cert. ef. 3-27-03; PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05; PH 36-2004, f. & cert. ef. 12-1-04; PH 12-

ADMINISTRATIVE RULES

2006, f. & cert. ef. 6-16-06; PH 4-2007, f. & cert. ef. 3-1-07; PH 14-2008, f. & cert. ef. 9-15-08; PH 24-2014, f. & cert. ef. 8-15-14

Oregon Liquor Control Commission
Chapter 845

Rule Caption: Amends service permit application refusal bases and the good cause standards to overcome them.

Adm. Order No.: OLCC 6-2014

Filed with Sec. of State: 8-15-2014

Certified to be Effective: 9-1-14

Notice Publication Date: 11-1-2013

Rules Amended: 845-009-0020

Subject: Under ORS 471.380, the Commission may refuse to grant a service permit if, among other things, it has reasonable grounds to believe that the applicant habitually uses alcohol, or other controlled substances, to excess or has been convicted of a felony or the violation of any state or local liquor laws.

OAR 845-009-0020 defines and describes these three statutory refusal bases (i.e., habit, felony convictions, and liquor law violations) and the good cause, if any, that overcomes them.

The proposed amendments substantively revise the rule to better align its provisions with current licensing standards and to clarify the eligibility and proof criteria necessary to establish a good cause exception to these service permit refusal bases. The proposed amendments also restructure the rule to improve readability and eliminate repetitive language.

Rules Coordinator: Bryant Haley—(503) 872-5136

845-009-0020

Service Permit Denial and Cancellation Criteria

(1) Under ORS 471.380 and 471.385, the Commission may deny or cancel a service permit if the applicant or permittee violates certain laws, uses alcohol or controlled substances to excess or has a poor record of compliance. This rule describes how the Commission applies these statutory provisions.

(2) Permit Cancellation. The Commission will cancel a service permit if, on the date it sends the Notice of Proposed Cancellation, the Commission would have a valid basis to deny a service permit application submitted by the same permittee.

(3) Felony Convictions.

(a) Definitions. As used in this rule:

(A) A “felony drug conviction” means a felony conviction for possession, manufacture, delivery or distribution of a controlled substance, or any other drug-related felony as described in ORS 475 or similar laws in other jurisdictions.

(B) A “felony violent crimes conviction” means a felony conviction for a crime which causes, attempts to cause, or threatens to cause physical injury or harm to another person irrespective of the jurisdiction.

(b) The Commission will deny a service permit if the applicant has one felony conviction of the types listed above and the incident leading to this conviction occurred within two years of the date the Commission received the application or the applicant has two or more felony convictions of the types listed above and at least two of the incidents leading to these convictions occurred within four years of the date the Commission received the application.

(4) Liquor Law Convictions.

(a) Definitions. As used in this rule, “liquor law conviction” means a misdemeanor or felony conviction for violation of any Oregon law regulating alcohol. Examples of such laws include, but are not limited to: DUII; Providing Alcohol to a Visibly Intoxicated Person; and Sale of Alcohol to a Minor.

(b) The Commission will deny a service permit if the applicant has had two or more liquor law convictions, or one conviction and one diversion, and at least two of the incidents leading to these convictions or diversions occurred within four years of the date the Commission received the application.

(5) The Commission will deny a service permit if the applicant has had a combination of four or more felony or liquor law convictions or diversions of the types described in this rule and at least four of the incidents leading to these convictions or diversions occurred within ten years of the date the Commission received the application and at least one of the incidents leading to these convictions or diversions occurred within 2 years of the date the Commission received the application.

(6) Poor Record of Compliance. The Commission will deny a service permit if the applicant has had a liquor license or a service permit canceled for a violation of ORS chapter 471 or any rule of the Commission except those set forth in sections (3), (4) or (5) of this rule within two years of the date the Commission received the application,

(7) Applicability. The denial bases set forth in sections (3), (4) and (5) of this rule do not apply if the applicant or permittee demonstrates that all of the following circumstances exist:

(a) The applicant or permittee provides written proof that a licensed medical professional diagnosed the applicant with a drug or alcohol addiction prior to, or as a result of, the incident(s) leading to at least one of the relevant convictions or diversions;

(b) The applicant or permittee provides a sworn statement that he or she has not used or consumed any alcohol or controlled substances, as appropriate to the denial basis, for a minimum of 12 consecutive months prior to the date the Commission received his or her application;

(c) The applicant or permittee provides written proof that after the relevant incident(s) he or she has successfully completed an alcohol or drug treatment or recovery program, as appropriate to the refusal basis, and is following treatment recommendations; is participating in an ongoing alcohol or drug treatment or recovery program, as appropriate to the refusal basis, and is following treatment recommendations; or, has otherwise been successfully rehabilitated, AND

(d) The applicant or permittee has substantially complied and continues to comply with all post-prison supervision or probation requirements, if any, imposed as a result of the underlying incident(s).

Stat. Auth.: ORS 471.471.030, 471.730(1) & (5)

Stats. Implemented: ORS 471.380(1)(a) & (d) & 471.385(1)(b) & (c)

Hist.: OLCC 1-1993, f. 1-27-93, cert. ef. 7-1-93; OLCC 6-1999(Temp), f. 4-23-99, cert. ef. 4-26-99 thru 10-22-99; OLCC 18-1999, f. 11-2-99, cert. ef. 11-3-99; OLCC 15-2003, f. 9-23-03 cert. ef. 11-1-03; OLCC 10-2004, f. 10-15-04 cert. ef. 11-1-04; OLCC 6-2014, f. 8-15-14, cert. ef. 9-1-14

Rule Caption: Amends rule to create additional license refusal reason for relevant federal law convictions.

Adm. Order No.: OLCC 7-2014

Filed with Sec. of State: 8-15-2014

Certified to be Effective: 8-15-14

Notice Publication Date: 3-1-2014

Rules Amended: 845-005-0325

Subject: The reasons for which the Commission may refuse to license an applicant are set forth in ORS 471.313. OAR 845-005-0325 implements this statute.

Section (5) of the current rule states that the Commission will refuse to license an applicant who has been convicted of violating any Oregon law, or a law of any other state, if that law is substantially related to the applicant’s fitness and ability to lawfully carry out activities under the license unless an applicant provides sufficient good cause to overcome the criterion.

Effective January 1, 2014, Senate Bill 37 amended ORS 471.313 to also include relevant federal law convictions, in effect creating an additional refusal basis. The proposed amendments reflect this expansion and are necessary to align OAR 845-005-0325 with the current statutory language.

Rules Coordinator: Bryant Haley—(503) 872-5136

845-005-0325

License Refusal Reasons: Applicant Qualifications

The Commission will refuse to license an applicant if any of the following criteria apply unless the applicant shows good cause that overcomes each relevant criterion:

(1) The applicant has inadequate financial resources to build or operate the premises proposed to be licensed, or has inadequate financial resources to meet the financial obligations of the proposed business. This section does not apply to license renewal applications.

(2) The applicant has not built the licensed premises, or has not operated the licensed business, substantially as proposed by the applicant and previously approved by the Commission.

(3) The applicant cannot or will not provide an employee who can communicate effectively with customers and Commission employees. This person must be on the licensed premises during the licensee’s business hours. “Communicate effectively” means:

(a) Knowing how to lawfully sell and serve alcoholic beverages and being able to explain these practices to customers; and

ADMINISTRATIVE RULES

(b) Understanding a Commission employee when he or she explains lawful sale and service of alcoholic beverages and responding in a way that the employee can reasonably understand.

(4) The applicant has a recent history or record of using alcohol or controlled substances to excess. Some of the records the Commission may use to evaluate this criterion include: court documents; Department of Motor Vehicles reports; police records; or medical records. The applicant may establish sufficient good cause to overcome this criterion by demonstrating that he or she no longer uses alcohol or controlled substances to excess and is not likely to do so in the future. Some of the factors the Commission considers in determining good cause include: successful participation in treatment program(s); counselor, employer or probation officer recommendations; severity of the applicant's record; passage of time since last relevant incident; and the applicant's previous record of compliance.

(5) The applicant has been convicted of violating any general or local law of this state, or any other state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities under the license. In determining whether the applicant presents an acceptable future risk of compliance, the Commission will consider any intervening circumstances that occur after the incident or incidents that resulted in the conviction.

(6) The applicant provides material false or misleading information to the Commission.

(7) The applicant is under 21 years of age. The applicant may establish sufficient good cause to overcome this criterion by demonstrating that he or she will not participate in the management or control of any alcohol-related business decisions or any employees responsible for the sale or service of alcoholic beverages.

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

Stats. Implemented: ORS 471.313

Hist.: OLCC 19-2000, f. 12-6-00, cert. ef. 1-1-01; OLCC 8-2012, f. 10-30-12, cert. ef. 11-1-12; OLCC 7-2014, f. & cert. ef. 8-15-14

Rule Caption: Increases permissible cost to supplier of display bin or rack that supplier provides to retailer.

Adm. Order No.: OLCC 8-2014

Filed with Sec. of State: 8-15-2014

Certified to be Effective: 8-15-14

Notice Publication Date: 3-1-2014

Rules Amended: 845-013-0030

Subject: On December 2, 2013, the Oregon Beer & Wine Distributors Association submitted a petition to amend OAR 845-013-0030. This rule allows a supplier to provide fixtures, furniture or furnishings to a retailer without violating the Commission's tied-house prohibitions if the supplier satisfies certain conditions.

For example, section (2) of this rule prohibits a supplier from providing a retailer with a display bin or rack that costs more than \$100.00. Petitioner requested that the Commission initiate rulemaking to amend section (2) of this rule and that during rulemaking the Commission increase the maximum permissible cost of a display bin or rack provided by the supplier from \$100.00 to \$300.00.

On January 24, 2014, the Commission granted petitioner's request and initiated rulemaking to amend this rule. During rulemaking, staff will also evaluate whether other regulatory language (e.g., a "reasonableness" standard associated with the permissible cost of the display bin or rack) would be more efficient than the current dollar value limit.

Rules Coordinator: Bryant Haley—(503) 872-5136

845-013-0030

Fixtures, Furniture, Furnishings, ORS 471.398(3)

ORS 471.398(3) prohibits a supplier (manufacturer, wholesaler, or its agents) from providing any fixtures, furniture or furnishings to a retailer. A supplier does not violate this prohibition if he/she provides a display bin or rack for manufacturer-sealed containers of alcoholic beverages for consumption off the licensed premises, if the following conditions are met:

(1) The supplier provides no more than one bin or rack per brand name family per retailer at any given time;

(2) The cost of the display bin or rack may not exceed \$300.00 (cost is the cost to the supplier who initially purchased or produced the bin or rack);

(3) The supplier has permanently marked the bin or rack with a brand name or trade name of the supplier's alcoholic beverage product; and

(4) The retailer uses the bin or rack to display only products from the brand name family or trade name permanently marked on the bin or rack;

(5) For purposes of this rule, "trade name" means the operating trade name and associated business names filed by a manufacturer or wholesaler as part of the Alcohol and Tobacco Tax and Trade Bureau (TTB) basic permit, i.e. Anheuser-Busch InBev; "brand name family" means all of the alcoholic beverage products included in a particular product line which are marketed and labeled with a particular brand name, i.e. Budweiser.

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

Stats. Implemented: ORS 471.398(3)

Hist.: OLCC 8-1992, f. 8-25-92, cert. ef. 10-1-92; OLCC 6-2003, f. 4-25-03, cert. ef. 5-1-03; OLCC 4-2011, f. 4-25-11, cert. ef. 5-1-11; OLCC 8-2014, f. & cert. ef. 8-15-14

Oregon Public Employees Retirement System Chapter 459

Rule Caption: Clean up errors in the original drafting and improve the disability rules' utility.

Adm. Order No.: PERS 8-2014

Filed with Sec. of State: 7-25-2014

Certified to be Effective: 7-25-14

Notice Publication Date: 6-1-2014

Rules Amended: 459-015-0010, 459-076-0010

Subject: A review of our Oregon Administrative Rules pertaining to the administration of the Tier One/Tier Two disability program (division 15) and the disability benefit paid under the OPSRP Pension Program (Division 76) revealed the need for some cleanup. For example, OAR 459-076-0010 of the OPSRP disability rules, adopted in 2005, contains an error in (4)(b) to incorrectly require either an "orthopedic specialist or neurosurgeon;" the proposed edits delete the erroneous phrase "or neurosurgeon."

Also, OAR 459-015-0010(6) and sections (2) and (6) of 459-076-0010 that deal with denying an application clarify the reasons that could be used for a denial. Other minor edits were made to the rules to improve readability and update citations.

Rules Coordinator: Daniel Rivas—(503) 603-7713

459-015-0010

Criteria for Granting and Denying Disability Retirement Allowances

(1) Medical documentation is required by PERS. Each disability retirement applicant shall supply any treating or consulting physician's examination report or other medical information requested by PERS. PERS may base its determination on either a treating or consulting physician's medical examination report or have the applicant examined by one or more physicians selected by PERS, or both.

(2) All claims of a disability must be supported by at least one physician's report, resulting from a physical examination, documenting how the injury or disease incapacitates the member.

(3) In addition, a disability retirement applicant shall be required to furnish the following:

(a) For claims of mental or emotional disorder, at least one report of examination by a psychiatrist or at least one report of evaluation by a psychologist when accompanied by a report of physical examination by a treating or consulting physician;

(b) For claims of orthopedic injury or disease, at least one report of a treating or consulting orthopedic specialist;

(c) For claims of neurological or neurosurgical injury or disease, at least one report of a treating or consulting neurologist or neurosurgeon;

(d) For claims of fibromyalgia, at least one report of a treating or consulting rheumatologist; and

(e) Any other specialized physician's report that PERS deems necessary.

(4) To demonstrate that he or she is unable to perform any work for which qualified, as defined in OAR 459-015-0001(1), the applicant shall document how the injury or disease incapacitates the applicant. The standard is subjective (that is, whether the applicant is actually incapacitated) not objective (that is, whether a "normal" member would have been incapacitated by the same events).

(a) In determining what work for which a member is qualified, the following factors shall be considered:

(A) Previous employment experience;

(B) Formal education;

(C) Formal training;

(D) Transferable skills;

(E) Age; and

ADMINISTRATIVE RULES

(F) Physical or mental impairment.

(b) In determining what work for which a member is qualified, PERS may request, at PERS' expense, a vocational evaluation be done by a vocational consultant who is fully certified as set forth in OAR 459-015-0001(2).

(c) The inability of the applicant to perform the duties of his or her last job, in itself, does not satisfy the criterion.

(5) When there is a dispute among medical experts, more weight will be given to those medical opinions that are both well-reasoned and based on complete information.

(6) The Board may deny any application or discontinue any disability retirement allowance 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.

Stat. Auth.: ORS 238.650

Stats. Implemented: ORS 238.320 & 238.335

Hist.: PERS 2-1992, f. & cert. ef. 1-14-92; PERS 4-1992, f. & cert. ef. 5-4-92; PERS 15-2005, f. & cert. ef. 10-3-05; PERS 8-2014, f. & cert. ef. 7-25-14

459-076-0010

Criteria for Granting and Denying Disability Benefits

(1) Medical documentation is required by PERS. Each disability benefit applicant shall supply any treating or consulting physician's examination report or other medical information requested by PERS. PERS may base its determination on either a treating or consulting physician's medical examination report or have the applicant examined by one or more physicians selected by PERS, or both.

(2) All claims of a disability must be supported by at least one physician's report, resulting from a physical examination, documenting how the injury or disease incapacitates the member.

(3) In addition, a disability benefit applicant shall be required to furnish the following:

(a) For claims of mental or emotional disorder, at least one report of examination by a psychiatrist or at least one report of evaluation by a psychologist when accompanied by a report of physical examination by a treating or consulting physician;

(b) For claims of orthopedic injury or disease, at least one report of a treating or consulting orthopedic specialist;

(c) For claims of neurological or neurosurgical injury or disease, at least one report of a treating or consulting neurologist or neurosurgeon;

(d) For claims of fibromyalgia, at least one report of a treating or consulting rheumatologist; and

(e) Any other specialized physician's report PERS deems necessary.

(4) To demonstrate that he or she is unable to perform any work for which qualified, as defined in OAR 459-076-0001(1), the applicant shall document how the injury or disease incapacitates the applicant. The standard is subjective (that is, whether the applicant is actually incapacitated) not objective (that is, whether a "normal" member would have been incapacitated by the same events).

(a) In determining what work for which a member is qualified, the following factors shall be considered:

(A) Previous employment experience;

(B) Formal education;

(C) Formal training;

(D) Transferable skills;

(E) Age; and

(F) Physical or mental impairment.

(b) In determining what work for which a member is qualified, PERS may request, at PERS' expense, a vocational evaluation be done by a vocational consultant who is fully certified as set forth in OAR 459-076-0001(2).

(c) The inability of the applicant to perform the duties of his or her last job, in itself, does not satisfy the criterion.

(5) When there is a dispute among medical experts, more weight will be given to those medical opinions that are both well-reasoned and based on complete information.

(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.

Stat. Auth.: ORS 238A.450

Stats. Implemented: ORS 238A.235

Hist.: PERS 16-2005, f. & cert. ef. 10-3-05; PERS 8-2014, f. & cert. ef. 7-25-14

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

Adm. Order No.: PERS 9-2014

Filed with Sec. of State: 7-25-2014

Certified to be Effective: 7-25-14

Notice Publication Date: 6-1-2014

Rules Adopted: 459-007-0009

Subject: 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 data is for PERS to provide it, but the costs of doing so needed specific statutory authorization. House Bill 4155 (2014 Regular Session) provided that authorization and directs the PERS Board to establish by rule procedures for recovering the additional actuarial and auditing costs associated with helping employers to comply with generally accepted accounting principles from investment earnings on employer contributions. This rule clarifies the process by which the GASB associated costs will be allocated to employers.

The rule title was changed to "Allocating Costs of Compliance with Generally Accepted Accounting Principles" and references to GASB 68 were removed from the rule in sections (2) and (3). These edits were made because GASB has issued a proposed new standard for OPEB ("other post-employment benefits") reporting, similar to what is required for pensions under GASB 68. While the requirements under this other GASB standard are not as fully developed as the GASB 68 standards, similar financial data and liability information requirements are anticipated for employers with OPEB liabilities.

HB 4155 is now codified at ORS 238.610(1)(b). That statute refers to generally accepted accounting principles, and that reference is generic enough to cover both pension and OPEB reporting requirements. These new rule modifications eliminate the need to modify the rule, or adopt a new rule, when GASB issues the OPEB standard later this year or early next year.

Rules Coordinator: Daniel Rivas—(503) 603-7713

459-007-0009

Allocating Costs of Compliance with Generally Accepted Accounting Principles

(1) Pursuant to ORS 238.610(1)(b), PERS will provide employers with audited financial data each year to comply with generally accepted accounting principles as established by the Government Accounting and Standards Board (GASB) standards.

(2) Prior to earnings crediting each year, PERS shall compile the actuarial, auditing, and internal staff costs of providing the audited financial data it will provide to employers. Earnings on employer contribution accounts shall be reduced by the amount of those costs. In any year in which earnings on those accounts are not sufficient to recover those costs, employer contribution accounts will be reduced by the amount of those costs.

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

Stats. Implemented: ORS 238.610(1)(b)

Hist.: PERS 9-2014, f. & cert. ef. 7-25-14

Rule Caption: Updates OAR connection date to Internal Revenue Code and other provisions of federal tax law.

Adm. Order No.: PERS 10-2014

Filed with Sec. of State: 7-25-2014

Certified to be Effective: 7-25-14

Notice Publication Date: 5-1-2014

Rules Amended: 459-080-0250

Subject: House Bill 4003 (2014 Regular Session) updated the connection date to the Internal Revenue Code and other provisions of federal tax law. In the bill, all the references to title 26 of the U.S. code have been updated to "as in effect on December 31, 2013." OAR 459-080-0250 regarding IAP account installments currently states "any distribution will be adjusted to comply with the required

ADMINISTRATIVE RULES

minimum distribution requirements of 26 U.S.C. 401(a)(9) and regulations implementing that section, as in effect August 29, 2003.” The rule modification updates the effective date to December 31, 2013.

Rules Coordinator: Daniel Rivas—(503) 603-7713

459-080-0250

IAP Account Installments

(1) Definitions.

(a) “Anniversary date” means the first of the month after the date of distribution of the first installment payment.

(b) “Date of distribution” has the same meaning as defined in OAR 459-007-0001(7).

(c) “Estimated Life Expectancy” means the member’s life expectancy as determined by the applicable IRS mortality table.

(d) “Payout Period” means the span of years over which the member elects to receive installment payments under section (2) of this rule.

(2) Upon retirement, a member of the individual account program who elects to receive the amounts in the member’s employee and employer accounts in installments under ORS 238A.400(2) shall designate the number of years over which the installments are to be paid, selecting a period of 5, 10, 15, or 20 years, or a period equal to the member’s estimated life expectancy. The member may also request that installments be made on a monthly, quarterly, or annual basis.

(3) Account balances will be adjusted each month in accordance with OAR 459-007-0330.

(a) The amount of each 5-, 10-, 15-, or 20-year installment will be determined by dividing the member’s adjusted balance by the number of remaining installment payments.

(b) The installment amount for the member’s estimated life expectancy will be determined once a year by dividing the member’s adjusted balance on the anniversary date by the member’s remaining estimated life expectancy, which amount will then be paid monthly, quarterly, or annually.

(4) If a member requests installments under section (2) of this rule, but the amount of the requested installment would be less than \$200 as determined at the time of the initial request, the frequency and Payout Period of the installment payment will be modified so that the amount of the installment is at least \$200. If the member’s account balance is \$1,000 or less at the time of the initial request, the member will not be eligible for installments and the balance will be paid in a lump sum.

(5) Notwithstanding the Payout Period selected by the member under section (2) of this rule, any distribution will be adjusted to comply with the required minimum distribution requirements of 26 U.S.C. 401(a)(9) and regulations implementing that section, as in effect on December 31, 2013.

(6) Members who elect a five year Payout Period or a lump sum payment may elect to directly roll over any portion of their IAP installment or lump sum payment to an eligible retirement plan subject to the limitations in OAR 459-005-0595.

(7) Members who elect a 10-, 15-, or 20-year, or an estimated life expectancy Payout Period cannot elect to have any portion of their installment payments rolled over.

(8) Members who are subject to the required minimum distribution requirements referenced in section (5) of this rule may only roll over that portion of their installment or lump sum payments that exceeds required minimum distribution requirements.

Stat. Auth.: ORS 238A.450

Stats. Implemented: ORS 238A.400

Hist.: PERS 23-2003(Temp), f. & cert. ef. 9-22-04 thru 3-15-05; PERS 30-2004, f. & cert. ef. 11-23-04; PERS 21-2005, f. & cert. ef. 11-1-05; PERS 14-2006, f. & cert. ef. 9-26-06; PERS 21-2007, f. & cert. ef. 11-23-07; PERS 4-2009, f. & cert. ef. 4-6-09; PERS 10-2014, f. & cert. ef. 7-25-14

Rule Caption: Update OSGP rules to reflect proposed improvements in the deferred compensation program.

Adm. Order No.: PERS 11-2014

Filed with Sec. of State: 7-25-2014

Certified to be Effective: 7-25-14

Notice Publication Date: 5-1-2014

Rules Amended: 459-050-0025, 459-050-0037, 459-050-0075, 459-050-0077

Subject: OAR 459-050-0025, Deferred Compensation Advisory Committee, establishes criteria to select advisory committee members for OSGP and describes the duties and tenure of those committee members. Currently, the rule requires that four of PERS’ executives or managers, designated by the PERS Executive Director, shall review applications of potential advisory committee members. It is sometimes difficult to find four managers who have: 1) not been on a previous panel, and 2) have the time to serve on the committee. Therefore, to make the process more efficient, the rule was amended to require just two managers instead of four to review the applications along with the Deferred Compensation Program Manager.

On January 12, 2007, OAR 459-050-0037, Trading Restrictions, was approved by the PERS Board to implement trading restrictions in the OSGP. This rule provides authority to prevent frequent trading which can have a negative effect on other participants in the plan, and also provides an equity wash for the Stable Value option, a requirement of the Stable Value provider. At its November 21, 2008 meeting, the Board approved revisions to the rule that removed the 90-day holding restriction on the funds, with the exception of the International Stock Option, where the 90 day restriction was decreased to 30 days. The \$100,000 trade limit and the restrictions on the Stable Value Option were not changed. Another revision was adopted on July 29, 2011, to add the Self-Directed Brokerage Account to the restrictions on the Stable Value Fund.

OSGP was recently advised by Galliard Capital Management, the stable value manager, that restrictions were no longer required on trades from the Stable Value Fund directly to the Intermediate Bond Fund. Therefore, these rule modifications remove that restriction. The restrictions on trades directly to the Short Term Fixed Option and Self-Directed Brokerage Account would remain in place.

When OAR 459-050-0075, Distributions During Employment, was revised to add the trustee-to-trustee transfers for the purpose of purchasing service time, funds from the Roth 457 were not included as that investment option had just been added and management wasn’t sure if after-tax funds would be appropriate for these transfers. After some further research, including talking to other governmental plans, we recommend adding the Roth funds as potential sources for these service purchases.

OAR 459-050-0077, Loan Program, was adopted in 2007 to establish eligibility and processes for participants in OSGP to obtain a loan. As the loan is repaid, the loan payments are deposited back into the participant’s account. When the rule was adopted, the Short Term Fixed Account was chosen as a default investment fund for these loan payments when the participant had not otherwise made an allocation. At that time, the Short Term Fixed was earning 4.94 percent for the year. However, over the years, that fund has been running in the negative (-0.15 percent in 2013). To prevent any losses to the payments being re-invested, a better choice would be the Stable Value Option, which has had positive earnings over the years (1.34 percent in 2013). The rule modification changes that default allocation.

Rules Coordinator: Daniel Rivas—(503) 603-7713

459-050-0025

Deferred Compensation Advisory Committee

(1) The seven members of the Deferred Compensation Advisory Committee provided for under ORS 243.505, shall be subject to the following qualifications and limitations:

(a) Each member shall be a participant in a deferred compensation plan established under ORS 243.401 to 243.507, and shall have knowledge of the Program.

(b) Four members shall be participants in the state deferred compensation plan.

(c) Two members shall be participants in a local government deferred compensation plan.

(d) One member shall be a retired deferred compensation plan participant.

(e) No two members may be employed by the same state agency or local government except that a member who transfers employment to the employer of another member may continue to serve on the Advisory Committee, but only for the balance of the term of appointment of the transferring member.

(f) No member may serve more than two consecutive full terms.

(g) No member may be an employee of PERS during the term of appointment.

ADMINISTRATIVE RULES

(2) The Advisory Committee shall study and advise the Board on all aspects of the Program, including but not limited to:

- (a) The Program fee structure and procedures;
- (b) State and federal legislative issues relative to the administration of deferred compensation plans;
- (c) The administration of the catch-up and the financial hardship provisions in Section 457 of the Internal Revenue Code;
- (d) Ways and means to inform and educate eligible employees about the Program;
- (e) The expressed desires of eligible employees as to the Program; and
- (f) The actuarial characteristics of eligible employees.

(3) Upon the request of the OIC, the Advisory Committee shall study and advise the Board on the following:

- (a) Investment programs, including options and providers; and
- (b) Information furnished by the OIC or the State Treasurer concerning the types of available investments, the respective balance of risk and return of each investment, and the administrative costs associated with each investment.

(4) The Advisory Committee shall meet at least four times during a calendar year.

(5) A majority of the Advisory Committee shall constitute a quorum for transacting business. However, the Advisory Committee may establish such other procedures for conducting business that it deems necessary.

(6) Pursuant to the Public Meetings Law, ORS 192.610 to 192.690, the Deferred Compensation Manager shall distribute to the Advisory Committee, and other interested parties, an agenda for a regular meeting a reasonable time prior to the meeting.

(7) Nominations of candidates for the Advisory Committee shall be made as follows:

(a) Notice of a position on the Advisory Committee expected to become vacant upon the expiration of a term of appointment shall be published not later than April 15 of each calendar year.

(b) Persons interested in serving on the Advisory Committee must apply in writing to the Manager not later than May 15 following the publication of a vacancy.

(c) The Manager shall review the written applications of interested persons for completeness, accuracy, and satisfaction of the minimum requirements of the vacant position on the Advisory Committee.

(d) A committee consisting of the Manager and two members of PERS executive or managerial staff designated by the PERS Executive Director shall review the acceptable applications and recommend to the Board candidates for appointment to the Advisory Committee that:

- (A) Reflect a cross section of state agencies, participating local governments, and classification levels;
- (B) Reflect a mixture of expertise, knowledge, and experience useful to the Advisory Committee;
- (C) Appear to have a sincere interest in the Program; and
- (D) Appear to be willing and able to work in a group setting to review and recommend policies governing the Program.

(e) In the event of a vacancy for an unexpired term, the Manager may select applications from the most recent list of interested persons established under subsection (c) of this section and the applications of other persons as deemed appropriate for consideration. A committee consisting of the Manager and two members of PERS executive or managerial staff designated by the PERS Executive Director shall review the selected applications and recommend to the Board candidates for appointment to the Advisory Committee. The appointment shall be immediately effective for the remainder of the unexpired term. If no candidate is recommended or appointed, the vacancy must be filled under the provisions of subsections (a) through (d) of this section.

Stat. Auth.: ORS 243.470

Stats. Implemented: ORS 243.505

Hist.: PERS 2-1993, f. & cert. ef. 9-23-93; PERS 2-1995, f. 10-13-95, cert. ef. 11-1-95; PERS 5-2000, f. & cert. ef. 8-11-00; PERS 3-2007, f. & cert. ef. 1-23-07; PERS 11-2014, f. & cert. ef. 7-25-14

459-050-0037

Trading Restrictions

The purpose of this rule is to establish criteria under which a participant may make trades in the Deferred Compensation Program. The Program is designed for long-term investment and periodic adjustment of asset allocation. Restrictions upon trades are necessary to protect participants and the Program from adverse financial impact attributable to frequent trading. Frequent trading by some participants can lower returns and increase transaction costs for all participants. Frequent trading can trigger the imposition of redemption fees and restrictions by mutual funds within

the Program and may cause the Program to be eliminated as an allowable investor in an investment fund.

(1) Definitions. For the purposes of this rule:

(a) "Investment Option" means an investment alternative made available under ORS 243.421.

(b) "Trade" means a purchase or redemption in an investment option for the purpose of moving monies between investment options.

(2) Restrictions.

(a) The following restrictions apply to all participants:

(A) A participant may not make a trade that exceeds \$100,000.

(B) A purchase that is attributable to a trade may not be redeemed from the International Stock Option for a period of 30 days following the date of the trade.

(C) No trade may move monies directly from the Stable Value Option to the Short-Term Fixed Income Option or the Self-Directed Brokerage Option.

(b) Trades to the Self-Directed Brokerage Option are subject to subsection (a) of this section and the limitations established in OAR 459-050-0120.

(3) The Deferred Compensation Manager, if necessary to comply with trading restrictions imposed by a participating mutual fund or the Securities and Exchange Commission, may establish additional temporary trading restrictions.

(4) The Deferred Compensation Manager, in the event of extraordinary market conditions, may temporarily suspend any or all trading restrictions established by this rule.

(5) Any action taken by the Deferred Compensation Manager under sections (3) or (4) of this rule must be presented to the Board at its next scheduled meeting. The Board may take action as authorized by ORS 243.401 to 243.507. If the Board does not act, the action(s) taken by the Deferred Compensation Manager shall expire on the first business day following the date of the meeting.

(6) The provisions of this rule are not applicable to trades attributable to the operation of an automatic account rebalancing function offered by the Program.

(7) The trading restrictions provided in this rule are not exclusive. The Board may establish additional restrictions or sanctions as authorized by ORS 243.401 to 243.507.

Stat. Auth.: ORS 243.470

Stats. Implemented: ORS 243.401 - 243.507

Hist.: PERS 4-2007, f. 1-23-07, cert. ef. 5-1-07; PERS 17-2008, f. & cert. ef. 11-26-08; PERS 6-2011, f. & cert. ef. 8-4-11; PERS 11-2014, f. & cert. ef. 7-25-14

459-050-0075

Distributions During Employment

The purpose of this rule is to describe the types of distributions available to a participant who has not had a severance of employment. Distributions made while a participant is still employed are in-service distributions.

(1) De minimis distribution. A de minimis distribution is an in-service distribution of the entire balance of a small account before the date a participant has a severance of employment. A de minimis distribution may be made if all of the following conditions are satisfied:

(a) No prior de minimis distribution was made to the participant;

(b) The total balance of the participant's account(s) within the Deferred Compensation Program do(es) not exceed the limitations in the Internal Revenue Code Section (IRC) 457(e)(9)(A), which is \$5,000;

(c) Participant has not made any contributions to the Deferred Compensation Program in the two-year period before the date of distribution; and

(d) Participant has submitted an application for a de minimis distribution on forms provided by, or other methods approved by the Deferred Compensation Program. No distribution will be paid unless a complete application is filed with, and approved by, the Deferred Compensation Program.

(2) Unforeseeable emergency withdrawal. An unforeseeable emergency withdrawal is an in-service distribution made to a participant due to an unforeseeable emergency. This withdrawal may be made before the date a participant has a severance of employment and as defined in OAR 459-050-0150. A participant must apply for an unforeseeable emergency withdrawal using forms provided by, or other methods approved by, the Deferred Compensation Program as provided for in OAR 459-050-0150(4).

(3) Military distribution. A participant is treated as having been severed from employment during any period the participant is performing service in the uniformed services while on active duty for a period of more than 30 days for the purposes of the limitation on in-service distributions.

ADMINISTRATIVE RULES

For purposes of this rule, “uniformed services” has the same meaning as given in OAR 459-050-0072. This section applies to distributions made on or after January 1, 2009.

(4) Trustee-to-Trustee Transfers. A Trustee-to-Trustee Transfer for the purpose of purchasing permissive service credit as described in Code Section 415(n) or a Trustee-to-Trustee Transfer that meets the requirements of 26 CFR 1.457.10(b)(4) may be made while a participant is still employed.

(5) Funds available for in-service distribution. Funds contributed to the Deferred Compensation Program, and earnings on those contributions may be distributed in a de minimis distribution or unforeseeable emergency withdrawal. Any funds directly transferred or rolled over to the Deferred Compensation Program from any plan other than an IRC 457 deferred compensation plan may not be distributed for a de minimis distribution or an unforeseeable emergency withdrawal.

(6) Prohibitions on elective deferrals after an in-service distribution. A participant who receives a de minimis distribution, an unforeseeable emergency withdrawal, or a military distribution may not make elective deferrals and employee contributions to the Deferred Compensation Program for a period of six consecutive months from the date of distribution.

[Publications: Publications referenced are available from the agency.]
Stat. Auth: ORS 243.470
Stats. Implemented: ORS 243.401 - 243.507
Hist.: PERS 13-2001(Temp), f. 12-14-01, cert. ef. 1-1-02 thru 6-28-02; PERS 9-2002, f. & cert. ef. 6-13-02; PERS 1-2009, f. & cert. ef. 2-12-09; PERS 2-2011, f. & cert. ef. 6-1-11; PERS 10-2012, f. & cert. ef. 5-24-12; PERS 11-2014, f. & cert. ef. 7-25-14

459-050-0077

Loan Program

(1) Definitions. For purposes of this rule:

(a) “Cure period” is that time from when a default occurs until the end of the quarter following the quarter in which the default occurred.

(b) “Deferred Compensation Account” means the account described in OAR 459-050-0001, but does not include any amount in the Self-Directed Brokerage Option.

(c) “Designated Roth Account” means the account described in OAR 459-050-0001, but does not include any amount in the Self-Directed Brokerage Option.

(d) “Loan balance” means the outstanding principal and accrued interest due on the loan.

(e) “Participant Loan” means a loan that affects the Deferred Compensation Account, Designated Roth Account, or a combination of both, of a participant.

(f) “Promissory note” means the agreement of loan terms between the Program and a participant.

(g) “Third Party Administrator (TPA)” means the entity providing record keeping and administrative services to the Program.

(2) Eligibility for loan. Participants who are currently employed by a Plan Sponsor that has agreed to participate in a Participant Loan program are eligible for a Participant Loan. Retired participants, participants separated from employment, designated beneficiaries, and alternate payees are not eligible.

(3) Application for loan: A participant must apply for a loan and meet the requirements set forth in this rule.

(a) Once a loan is approved, a participant must execute a promissory note in the form prescribed by the Program.

(b) If a participant is deceased before the disbursement of the proceeds of a loan, the participant’s loan application shall be void as of the date of death.

(4) Loan Types:

(a) General purpose loan — a loan not taken for the purpose of acquiring a principal residence. General purpose loans must be repaid over a non-renewable repayment period of up to five years.

(b) Residential loan — a loan made for the purpose of acquiring a principal residence, which is, or within a reasonable time shall be, the principal residence of the participant. Residential loans must be repaid over a non-renewable repayment period of up to 15 years. A refinancing does not qualify as a residential loan. However, a loan from the Program that will be used to repay a loan from a third party will qualify as a residential loan if the loan would qualify as a residential loan without regard to the loan from the third party.

(5) Interest Rate: The rate of interest for a loan shall be fixed at one percent (1%) above the prime interest rate as published by the Wall Street Journal on the last business day of the month before the month in which the loan is requested.

(6) Loan Fees: A loan fee of \$50.00 shall be assessed when the loan is approved. The fee shall be deducted from a participant’s deferred compensation account on a pro-rata basis from existing investments.

(7) Loan Limitations:

(a) The maximum loan amount is the lesser of:

(A) \$50,000; or

(B) One-half of the combined value of the participant’s Deferred Compensation Account and the Designated Roth Account on the date the loan is made.

(b) The minimum loan amount is \$1,000.

(c) A participant may only have one outstanding loan.

(d) A participant who has received a loan may not apply for another loan until 12 months from the date the previous loan was paid in full.

(8) Source of Loan: The loan amount will be deducted from a participant’s Deferred Compensation Account, Designated Roth Account, or a combination of both.

(a) Loan amounts will be deducted first from the Deferred Compensation Account.

(b) Loan amounts will be deducted pro-rata from existing investments in a participant’s account(s).

(c) A participant may not transfer a loan to or from another retirement or deferred compensation plan.

(9) Repayment Terms: The loan amount will be amortized over the repayment period of the loan with interest compounded daily to calculate a level payment for the duration of the loan.

(a) Loan payments must be made by payroll deduction. To receive a loan from the Program a participant must enter into a payroll deduction agreement. For the purposes of this rule, a promissory note or other document that includes the payroll deduction amount and is signed by a participant as a requirement to obtain a loan may be a payroll deduction agreement. Except as provided in this rule, a participant may not submit a loan payment directly to the Program or the Third Party Administrator.

(b) A participant is responsible for loan repayment even if the employer fails to deduct or submit payments as directed under the payroll deduction agreement. To avoid defaulting on a loan by reason of the employer’s failure to deduct or submit a payment a participant may submit a loan payment by sending a money order or certified check to the Third Party Administrator.

(c) A participant may repay the loan balance in a single payment at any time before the date the final loan payment is due.

(d) Partial payment of a scheduled payment and partial prepayment or advance payment of future payments may not be permitted.

(e) Loan payments will be allocated in a participant’s account(s) in the same manner as the participant’s current contribution allocation. If, for any reason, the allocation is not known, the payment will be allocated to the Stable Value Option.

(f) Any overpayment will be refunded to the participant.

(10) Leave of Absence. Terms of outstanding loans are not subject to revision except as provided in this section.

(a) Loan payments may be suspended up to one year during an authorized leave of absence if a participant’s pay from the employer does not at least equal the payment amount.

(A) Interest on a loan continues to accrue during a leave of absence.

(B) A participant must immediately resume payments by payroll deduction upon return to work.

(C) The loan balance will be re-amortized upon the participant’s return to work to be repaid within the remaining loan repayment period.

(D) Loan payments may be revised to extend the remaining loan repayment period to the maximum period allowed in the event the loan originally had a term shorter than the maximum period allowed under section (4) of this rule.

(E) If a participant is on a leave of absence that exceeds one year, the loan shall be in default unless repayment begins one year from the participant’s last date worked or the date the final payment is due under the promissory note, whichever is earlier.

(b) Military Leave. Loan payments for participants on military leave may be suspended for the period of military service.

(A) A leave of absence for military service longer than one year will not cause a loan to be in default.

(B) Loan payments by payroll deduction must resume upon the participant’s return to work.

(C) The original repayment period of a loan will be extended for the period of military service or to the maximum repayment period allowed for that type of loan, whichever is greater.

ADMINISTRATIVE RULES

(D) Interest on a loan continues to accrue during a leave of absence for military service. If the interest rate on the loan is greater than 6%, then under the provisions of the Servicemembers Civil Relief Act of 2003, the rate shall be reduced to 6% during the period of military service.

(E) The loan balance will be re-amortized upon the participant's return to work to be repaid within the remaining loan repayment period as determined under paragraph (C) of this subsection.

(c) A participant on an authorized leave of absence or military leave may submit loan payments by sending a money order or certified check to the Third Party Administrator.

(11) Tax Reporting.

(a) The loan balance of a general purpose loan will be reported as a taxable distribution to the participant on the earlier of the last day of the loan repayment period, as adjusted under paragraphs (10)(a)(D) or (10)(b)(C) of this rule, if applicable, or if the loan is in default, the last day of the cure period.

(b) The loan balance of a residential loan will be reported as a taxable distribution to the participant on the earlier of the last day of the loan repayment period, as adjusted under paragraphs (10)(a)(D) or (10)(b)(C) of this rule, if applicable, or if the loan is in default, the last day of the cure period.

(c) If a participant dies before the loan balance being repaid, and the participant's beneficiary does not repay the loan balance in a single payment within 90 days of the participant's death, the loan balance will be reported as a taxable distribution to the estate of the participant.

(d) If a participant is eligible to receive a distribution under the Program, the reporting of a loan balance as a taxable distribution under this section will cancel the loan at the time the taxable distribution is reported. A canceled loan is a distribution and is no longer outstanding in a participant's account.

(e) If a participant is not eligible to receive a distribution under the Program, a loan balance reported as a taxable distribution under this section will be a deemed distribution for tax reporting purposes. A loan deemed distributed may not be canceled until the loan balance is repaid or the participant becomes eligible to receive a distribution. The loan balance will remain outstanding in the participant's account and will continue to accrue interest until repaid or canceled.

(12) Default.

(a) A loan is in default if a payment is not paid as scheduled or under any of the provisions set forth in this rule, the promissory note, or any related loan agreement.

(b) A loan is in default if the participant separates from employment with the plan sponsor that administers the loan payment payroll deductions.

(c) If a participant with a loan in default resumes loan payments by payroll deduction before the end of the cure period, the default will be cured. The participant must pay any missed payments and accrued interest before the end of the loan repayment period.

(d) Except as provided in subsection (c) of this section, if the participant does not cure a default by repaying the loan balance before the end of the cure period, the loan balance will be reported as a taxable distribution to the participant as provided in section (11) of this rule.

Stat. Auth.: ORS 243.470

Stats. Implemented: ORS 243.401 – 243.507

Hist.: PERS 4-2007, f. 1-23-07, cert. ef. 5-1-07; PERS 8-2007, f. & cert. ef. 7-26-07; PERS 6-2011, f. & cert. ef. 8-4-11; PERS 10-2012, f. & cert. ef. 5-24-12; PERS 11-2014, f. & cert. ef. 7-25-14

Rule Caption: Simplify the disability preliminary benefit options available upon the member's filing of a preliminary application.

Adm. Order No.: PERS 12-2014

Filed with Sec. of State: 7-25-2014

Certified to be Effective: 7-25-14

Notice Publication Date: 5-1-2014

Rules Amended: 459-015-0055

Subject: PERS Tier One/Tier Two Program members who apply for a disability retirement are asked to complete a preliminary benefit option selection form. That form documents the member's retirement option selection in the event that the member dies before their application is approved. If the member had not made that selection, they would be considered to have died before retirement, therefore providing their beneficiary only with a death benefit under ORS 238.390

or 238.395 instead of them being considered the survivor beneficiary of a disability retirement.

The Option 1 benefit pays a monthly retirement allowance only for the member's lifetime; upon death, no benefit is paid to any beneficiary. The rule modification removes Option 1 as a preliminary option selection as, if it was selected, it provides no protection for a beneficiary should the member die before their disability retirement is approved. Upon approval of a disability claim, a disabled member may select Option 1 as their final benefit option using a disability benefit application form with the benefit option approved by spousal consent.

Rules Coordinator: Daniel Rivas—(503) 603-7713

459-015-0055

Selection of Benefit Option and Commencement of Allowance

(1) Upon filing an application for a disability retirement allowance, the member may make a preliminary designation of beneficiary and a preliminary selection of benefit option. A member may not choose a lump-sum option.

(2) Within 90 days following the Director's, or the Director's designee's, approval of the application for disability retirement allowance, the member must submit a disability benefit application provided by PERS. Receipt of the final forms will supersede any preliminary beneficiary designation or preliminary benefit option.

(a) The final option selected applies only to the corresponding time period the member is receiving a disability retirement allowance.

(b) The beneficiary designation or benefit option may be changed up to 60 days after the date of the first actual (not estimated) benefit payment as provided in ORS 238.325(2). The beneficiary or benefit option change will be retroactive to the effective disability retirement date.

(c) If a member's disability retirement allowance is canceled before the first benefit payment or is discontinued, the option selected for the purposes of that disability retirement allowance is canceled and a new option may be selected upon a subsequent disability or service retirement.

(3) If the member does not submit a disability benefit application within 90 days following the Director's, or the Director's designee's, approval of the application for disability retirement allowance:

(a) The benefit will be the benefit as set forth under ORS 238.320(1) if the member is single, or the benefit as set forth under ORS 238.462 if the member is married; and

(b) For single members, the latest beneficiary designation on file for the PERS Chapter 238 Program will be used to determine the default beneficiary. If no designation exists, the beneficiary will be as provided for under ORS 238.390(2).

(c) The payment will commence within a reasonable period of time following the 90th day after approval.

(4) Purchases. If a member is eligible to make a purchase to restore creditable service or obtain retirement credit under ORS Chapter 238 or section 2, chapter 971, Oregon Laws 1999, the member must submit payment for the purchase(s) no later than the earlier of:

(a) 90 days following the date of the Director's, or the Director's designee's, approval of the application for disability retirement allowance; or

(b) The date the member submits the final disability benefit application required under section (2) of this rule.

(5) If the member elects to purchase all or a portion of creditable service or retirement credit through a trustee-to-trustee transfer as described in OAR 459-005-0580, the transfer must be received within the time line in section (4) of this rule.

(6) The payment of a disability retirement allowance shall commence within 10 business days following receipt by PERS of all of the items in (a) and (b) of this section, or the date the first payment is due, as set forth in section (7) of this rule, whichever is later:

(a) From the member:

(A) Completed disability benefit application;

(B) Proof of member's age;

(C) Proof of age for the designated beneficiary if a joint survivor option is elected; and

(D) Certification of marital status form.

(b) From the employer: Financial and demographic information indicating the member has separated from PERS-covered employment.

(7) A disability benefit accrues from the effective date of disability retirement. Except as provided as in section (8) of this rule, the benefit

ADMINISTRATIVE RULES

accrued for a month of disability retirement is payable on the first of the following month.

(8) Notwithstanding section (7) of this rule, no payment shall be made before the end of the period of 90 consecutive days beginning with the date of disability and shall be retroactive to the effective date of disability retirement.

(9) If PERS cannot calculate the actual disability benefit payment, an estimated payment will be made until PERS receives all the necessary information needed to calculate the actual benefit payment. The payment will be made retroactive to the effective date of disability if the benefits become due before the 90 consecutive day period of incapacitation has elapsed.

(a) If the estimated payment results in an underpayment of \$10 or more a month, the member will receive interest based on the provisions set forth in OAR 459-007-0015.

(b) If the estimated payment results in an overpayment of any amount, the overpayments may be recovered by decreasing the monthly benefit amount until the difference between the amount the member received and the amount the member should have received is recovered.

(10) Minimum disability benefit. A disability benefit will not be less than \$100 per month under the non-refund Option 1 benefit or the amount the member would have received for service retirement, if eligible, whichever is higher.

(11) In the event a member applying for a disability retirement allowance dies before the Director's approval of the application:

(a)(A) If the member has made a preliminary benefit option election, the preliminary election shall be effective upon the Director's approval of the application for disability retirement.

(B) If the deceased member was eligible to purchase additional creditable service or retirement credit under ORS Chapter 238, the beneficiary, if any, designated in the preliminary election may make the purchase(s) by submitting the required forms and payment within 90 days from the date the disability application is approved.

(b) If the member has not made a preliminary benefit option election, the member will be considered as having died before retirement.

(A) If the beneficiary designated under ORS 238.390(1) is the surviving spouse, the surviving spouse may, within 90 days from the date the disability application is approved, elect to have either Option 2 or 3 disability benefits or pre-retirement death benefits, as provided in 238.390 or 238.395, if eligible.

(i) Regardless of the election made by the surviving spouse under paragraph (b)(A) of this section, all benefits will cease upon the surviving spouse's death.

(ii) If the deceased member was eligible to purchase additional creditable service or retirement credit under ORS Chapter 238, a surviving spouse who elects disability benefits under paragraph (b)(A) of this section, may make the purchase(s) by submitting the required forms and payment at the time of the election.

(B) If the beneficiary designated under ORS 238.390(1) is not the surviving spouse, the beneficiary will receive pre-retirement death benefits as provided in 238.390 or 238.395, if eligible.

Stat. Auth.: ORS 238.650

Stats. Implemented: ORS 238.320, 238.325 & 238.330

Hist.: PERS 2-1992, f. & cert. ef. 1-14-92; PERS 15-2005, f. & cert. ef. 10-3-05; PERS 6-2008, f. & cert. ef. 4-2-08; PERS 7-2010, f. & cert. ef. 8-2-10; PERS 2-2011, f. & cert. ef. 6-1-11; PERS 12-2014, f. & cert. ef. 7-25-14

Oregon State Treasury Chapter 170

Rule Caption: Amend DMD Fees Rule to include costs associated with Beginning & Expanding Farmer Loan Program.

Adm. Order No.: OST 3-2014(Temp)

Filed with Sec. of State: 8-13-2014

Certified to be Effective: 8-15-14 thru 2-11-15

Notice Publication Date:

Rules Amended: 170-061-0015

Subject: The 2013 Legislature approved HB 2700, which established a federal-state, public-private partnership program to assist beginning farmers in obtaining low interest loans through the Beginning and Expanding Farmer Loan Program. HB 2700 allows in section 4 for the State Treasurer to charge administrative expenses of the State Treasurer against proceeds of the eligible revenues of agricultural projects.

Rules Coordinator: Dan McNally — (503) 373-1028

170-061-0015

Fees Charged by the Debt Management Divisions

(1) State agencies. The OST shall charge the following fees in connection with the services, duties and activities of the OST related to bonds issued for state agencies by the State Treasurer:

(a) Agency Bond Issues of \$15 million or less. For a single series bond sale of \$15 million or less, a state agency will be charged \$15,000 per sale. For a bond sale of \$15 million or less by a single state agency with multiple series, the state agency will be charged the greater of (i) \$15,000 or (ii) \$6,000 per series. For a bond sale of \$15 million or less by two or more state agencies, each agency will be charged the greater of (i) \$7,500 or (ii) \$6,000 for each series sold for the agency. This subsection applies to initial offerings, refundings and restructurings. This subsection does not apply if the bond sale is a private placement conduit as described below in subsection (c).

(b) Agency Bond Issues of more than \$15 million. For a single series bond sale of more than \$15 million, a state agency will be charged \$20,000. For a bond sale of more than \$15 million by a single state agency with multiple series, the state agency will be charged the greater of (i) \$20,000 or (ii) \$7,000 per series. For a bond sale of more than \$15 million by two or more state agencies, each agency will be charged the greater of (i) \$10,000 or (ii) \$7,000 for each series sold for the state agency. This subsection applies to initial offerings, refundings and restructurings. This subsection does not apply if the bond sale is a private placement conduit sale described below in subsection (c).

(c) Privately Placed Conduit Bonds are bonds that are payable solely from moneys owed by a party other than the State of Oregon, with no recourse for payment to the State of Oregon, do not have a publicly disseminated official statement or other offering circular, and are sold only to one or more sophisticated investors, accredited investors or qualified institutional buyers. A state agency that privately places conduit bonds will be charged:

(A) \$5,000 for sales that in aggregate total \$5 million or less;

(B) \$10,000 for sales that in aggregate total more than \$5 million but less than \$10 million; or

(C) \$15,000 for sales that in aggregate total \$10 million or more.

Should conduit bonds be sold publicly or use a publicly disseminated official statement then subsection (a) or subsection (b) above applies. This subsection applies to initial offerings, refundings and restructurings.

(d) Tax Anticipation Notes. A state agency shall be charged \$30,000 for each sale of tax anticipation notes.

(e) Interest Rate Exchange Agreements. In addition to any other fee, \$25,000 will be charged for the review and approval of a state agency's first executed interest rate exchange agreement for a specific bond program of the agency. After the first agreement, a fee of \$10,000 will be charged for each executed interest rate exchange agreement subsequently entered into by the agency for the same bond program or indenture. These charges do not include costs such as interest rate exchange advisor fees, rating agency charges or printing costs which are payable by the agency or authority for whom the cost is incurred.

(f) Replacement of Liquidity Providers or SWAP Counter Party Providers. A state agency will be charged \$10,000 for activities related to each replacement of a liquidity provider or SWAP counter party provider. These charges do not include costs such as rating agency charges or printing costs which are payable by the agency or authority for whom the cost is incurred.

(2) Public Bodies. OST shall charge the fees set forth below in connection with the services, duties and activities of the OST related to bonds issued by public bodies in Oregon; expenses incurred in reviewing refunding and defeasance plans may be charged against the bond proceeds or may be paid by the public body from such other funds as may be available:

(a) Advance refunding plan application and review. The application fee for submission of an advance-refunding plan is \$350. The fee for review and approval of an advance refunding plan is \$3,000 per sale of refunding bonds for sales of \$2 million or less, and \$5,000 per sale of refunding bonds for sales exceeding \$2 million. If the plan is not approved or the refunding not completed the review and approval fee will not be charged.

(b) Oregon School Bond Guarantee Program. School Districts that submit an application for participation in the Oregon School Bond Guarantee Program shall submit an application fee of \$200 to OST at the time their application is submitted. School Districts whose bonds are guaranteed by the state shall submit to OST, within 10 business days of closing of any guaranteed bonds, a fee equal to .03% (.0003) of the total principal and interest due, assuming the bonds are paid on their regularly scheduled maturity or redemption dates. If bonds are issued as "Qualified Bonds"

ADMINISTRATIVE RULES

under OAR 170-063-000 that may be converted to an interest bearing format over and above interest payments that may be due and payable under the original terms of bonds, the fee for such Qualified Bonds shall be equal to .045% (.00045) of the total principal and interest due, assuming the bonds are paid on their regularly scheduled maturity or redemption dates and that there is no conversion to a different interest bearing format than the original terms of the bonds.

(3) Municipal Debt Advisory Commission. OST shall charge the following fees in connection with the services, duties and activities of the OST as staff to the Municipal Debt Advisory Commission.

(a) Administrative Tracking and Reporting fee. Local Government entities shall submit, at the time of closing, a fee equal to:

(A) \$800 for bond sales of greater than or equal to \$1 million, but less than \$8 million,

(B) 0.01% (0.0001) of the principal amount for bond sales of greater than \$8 million but, less than \$50 million, or

(C) \$5,000 for bond sales of \$50 million or greater. No fee is charged for a bond sale of less than \$1 million.

(b) Overlapping Debt Report fee. Overlapping Debt Reports requested for any date within one year of the request are provided free of charge. For Overlapping Debt Reports requested for any date greater than one year prior to the request date, subsection (c) applies.

(c) Other fees and charges. Fees for specialized reports and services shall be determined by the number of hours spent producing such specialized report or service times the rate of \$115 per hour.

(4) Private Activity Bonds.

(a) Current Year Allocation. State agencies or public bodies that submit an application for allocation of the state's private activity bond volume limit ("CAP") for the current year to the Private Activity Bond Committee under OAR 170-071-0005 shall submit an application fee of \$200 to OST when their application is submitted. State agencies or public bodies who receive CAP shall pay to OST:

(A) For a bond sale of \$10 million or less, a fee equal to \$3,000, payable within 10 business days of the closing bond sale,

(B) For a bond sale of more than \$10 million, a fee equal to \$10,000 payable within 10 business days of the closing bond sale, or

(C) for a Mortgage Credit Certificate program, a fee equal to \$2,000, payable within 10 business days of the date of the notice of allocation by OST.

(b) Carry Forward Allocation. State agencies or public bodies that submit an application for carry forward CAP allocation under OAR 170-071-0005(10) shall submit an application fee of \$200 to OST when their application is submitted. State agencies or public bodies who receive carry forward CAP shall pay to OST:

(A) For a bond sale of \$10 million or less, a fee equal to \$3,000 of which the first \$500 is payable within 10 days of the date of the notice of allocation by OST, with the balance payable within 30 days of the closing of the first bond sale associated with the allocation,

(B) For a bond sale of more than \$10 million, a fee equal to \$10,000 of which the first \$2,000 is payable within 10 days of the date of the notice of allocation by OST, with the balance payable within 30 days of the closing of the first bond sale associated with the allocation, or

(C) for a Mortgage Credit Certificate program, a fee equal to \$2,000, payable within 10 business days of the date of the notice of allocation by OST.

(D) For a standard agricultural bond issued through the Oregon Business Development Department's Beginning and Expanding Farmer Loan Program and sold to a commercial bank, a fee equal to \$200 is payable within 10 business days of the closing of the bond sale. For agricultural bonds that will be sold to one or more private investors, OST may, at its discretion, charge up to a maximum of \$2,000 depending on the complexity of the transaction.

(5) OST may, at its discretion, waive or reduce any fee outlined in sections (1) to (4) based on compelling financial reasons.

Stat. Auth.: ORS 286A.014, 287A.370 & 287A.634
Stats. Implemented: ORS 287A & 286A

Hist.: TD 3-1990, f. & cert. ef. 12-21-90; TD 2-1994, f. & cert. ef. 9-9-94; OST 1-1999, f. & cert. ef. 2-1-99; OST 1-2005, f. & cert. ef. 4-22-05; OST 5-2006, f. & cert. ef. 10-25-06; OST 7-2008, f. & cert. ef. 12-29-08; OST 2-2009, f. & cert. ef. 4-22-09; OST 3-2009, f. & cert. ef. 7-21-09; OST 5-2009(Temp), f. & cert. ef. 10-30-09 thru 4-27-10; OST 1-2010, f. & cert. ef. 1-15-10; OST 2-2010(Temp), f. & cert. ef. 1-26-10 thru 7-24-10; OST 4-2010(Temp), f. & cert. ef. 3-10, cert. ef. 7-1-10 thru 12-27-10; Administrative correction 1-25-11; OST 1-2011, f. & cert. ef. 2-28-11; OST 1-2012(Temp), f. & cert. ef. 1-26-12 thru 7-1-12; Administrative correction 8-1-12; OST 3-2012(Temp), f. & cert. ef. 12-14-12 thru 5-29-13; OST 2-2013, f. & cert. ef. 4-24-13; OST 3-2014(Temp), f. & cert. ef. 8-15-14 thru 2-11-15

Oregon University System, Western Oregon University Chapter 574

Rule Caption: Revisions to special course fees and general services fees.

Adm. Order No.: WOU 2-2014

Filed with Sec. of State: 8-5-2014

Certified to be Effective: 8-5-14

Notice Publication Date: 7-1-2014

Rules Amended: 574-050-0005

Subject: Amendments will allow for increases, additions, and revisions of special course fees and general service fees.

Rules Coordinator: Dawn Brown—(503) 838-8472

574-050-0005

Special Fees for Selected Courses and Some General Services

The Schedule of Fees for Selected Courses and General Services for Western Oregon University are hereby adopted by reference.

NOTE: The publication(s) referred to or incorporated by reference in this rule are available from the Office of the Vice President for Finance and Administration at Western Oregon University.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: OCE 1, f. & cert. ef. 7-12-76; OCE 1-1978, f. & cert. ef. 10-27-78; OCE 2-1980, f. & cert. ef. 11-5-80; OCE 1-1981, f. & cert. ef. 1-7-81; OCE 3-1981, f. & cert. ef. 8-7-81; OCE 4-1981, f. & cert. ef. 11-2-81; WOSC 2-1982, f. & cert. ef. 9-17-82; WOSC 1-1983, f. & cert. ef. 10-11-83; WOSC 1-1985, f. & cert. ef. 10-4-85; WOSC 1-1986, f. & cert. ef. 10-15-86; WOSC 1-1987, f. & cert. ef. 9-23-87; WOSC 2-1988, f. & cert. ef. 9-19-88; WOSC 1-1989, f. & cert. ef. 4-18-89; WOSC 2-1989, f. & cert. ef. 9-5-89, cert. ef. 9-17-89; WOSC 5-1989, f. & cert. ef. 9-7-89; WOSC 1-1990, f. & cert. ef. 4-18-90; WOSC 2-1990, f. & cert. ef. 9-24-90; WOSC 1-1991, f. & cert. ef. 1-30-91; WOSC 2-1991, f. & cert. ef. 3-22-91; WOSC 4-1991, f. & cert. ef. 5-21-91; WOSC 7-1991, f. & cert. ef. 7-22-91; WOSC 2-1992, f. & cert. ef. 6-16-92; WOSC 3-1992, f. & cert. ef. 8-14-92; WOSC 1-1993, f. & cert. ef. 1-15-93; WOSC 2-1993, f. & cert. ef. 6-18-93; WOSC 3-1993, f. & cert. ef. 7-16-93; WOSC 5-1993, f. & cert. ef. 10-21-93; WOSC 1-1994, f. & cert. ef. 8-12-94; WOSC 1-1995, f. & cert. ef. 8-11-95; WOSC 1-1996, f. & cert. ef. 10-16-96; WOSC 1-1997, f. & cert. ef. 2-27-97; WOU 3-1997, f. & cert. ef. 10-7-97; WOU 1-1998, f. & cert. ef. 1-26-98; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 1-1999, f. & cert. ef. 2-25-99; WOU 2-1999, f. & cert. ef. 7-27-99; WOU 1-2000, f. & cert. ef. 3-16-00; WOU 2-2000, f. & cert. ef. 6-28-00; WOU 1-2001, f. & cert. ef. 3-5-01; WOU 2-2001, f. & cert. ef. 7-30-01; WOU 1-2002, f. & cert. ef. 3-12-02, cert. ef. 3-15-02; WOU 2-2002, f. & cert. ef. 8-2-02, cert. ef. 8-15-02; WOU 3-2002, f. & cert. ef. 10-7-02, cert. ef. 10-15-02; WOU 1-2003, f. & cert. ef. 4-2-03; WOU 2-2003, f. & cert. ef. 8-1-03; WOU 1-2004, f. & cert. ef. 3-24-04; WOU 2-2004, f. & cert. ef. 8-4-04; WOU 1-2005, f. & cert. ef. 3-8-05; WOU 2-2005, f. & cert. ef. 8-4-05; WOU 3-2005, f. & cert. ef. 8-12-05; WOU 1-2006, f. & cert. ef. 3-2-06; WOU 2-2006, f. & cert. ef. 8-7-06; WOU 1-2007, f. & cert. ef. 3-5-07; WOU 2-2007, f. & cert. ef. 7-31-07; WOU 4-2007, f. & cert. ef. 11-1-07; WOU 1-2008, f. & cert. ef. 2-1-08; WOU 2-2008, f. & cert. ef. 9-3-08; WOU 1-2009, f. & cert. ef. 2-13-09; WOU 2-2009, f. & cert. ef. 7-29-09; WOU 1-2010, f. & cert. ef. 1-27-10; WOU 2-2010, f. & cert. ef. 8-4-10; WOU 1-2011, f. & cert. ef. 2-2-11; WOU 2-2011, f. & cert. ef. 5-2-11; WOU 3-2011, f. & cert. ef. 8-5-11; WOU 1-2012, f. & cert. ef. 1-27-12; WOU 2-2012, f. & cert. ef. 7-31-12; WOU 1-2013, f. & cert. ef. 1-28-13; WOU 2-2013, f. & cert. ef. 7-24-13; WOU 1-2014, f. & cert. ef. 1-28-14; WOU 2-2014, f. & cert. ef. 8-5-14

Oregon Watershed Enhancement Board Chapter 695

Rule Caption: Revisions to Watershed Council Support grant rules to implement Outcome-based Watershed Council Capacity grant-making

Adm. Order No.: OWEB 1-2014

Filed with Sec. of State: 8-6-2014

Certified to be Effective: 8-6-14

Notice Publication Date: 2-1-2014

Rules Adopted: 695-040-0090, 695-040-0100, 695-040-0110, 695-040-0120, 695-040-0130, 695-040-0140, 695-040-0150

Rules Amended: 695-040-0010, 695-040-0020, 695-040-0030

Rules Repealed: 695-040-0040, 695-040-0050, 695-040-0060, 695-040-0070, 695-040-0080

Subject: OWEB completed rule amendments and rulemaking related to the administration of the council support grant program. The purpose is to develop an outcome-based council capacity grant program that includes a streamlined review and award process and increases standards for eligibility to apply and merit evaluation criteria. First, the name of the grants has been amended from Watershed Council Support to Outcome-Based Watershed Council Operating Capacity Grants. The purpose [695-040-0010], definitions [695-040-0020], and eligibility criteria [695-040-0030] have been amended. Rules outlining the previous Application Requirements [695-040-0040], Evaluation Criteria [695-040-0050], Grant Evaluation Process [695-040-0060], Grant Agreement Conditions [695-040-

ADMINISTRATIVE RULES

0070], and Waiver of Rules [695-040-0080] will be repealed. The repealed rules will be replaced by newly adopted rules describing the following components and requirements of the streamlined outcome-based council capacity grant program: Eligibility Determination [695-040-0090]; Application Requirements [695-040-0100]; Merit Evaluation [695-040-0110]; Board Action on Eligible Applications [695-040-0120]; Use of Funds [695-040-0130] Grant Agreement Conditions [695-040-0140]; and Waiver of Rules [695-040-0150].
Rules Coordinator: Renee Davis-Born—(503) 986-0029

695-040-0010

Purpose

(1) To guide the Oregon Watershed Enhancement Board in accepting, reviewing for eligibility and merit, and considering for funding applications for Council Capacity Grants pursuant to ORS 541.918, 541.926(1)(e), 541.923, and 541.910.

(2) To provide a grant program to help support the operations of watershed councils that engage people and communities in their watersheds to participate in the collaborative, voluntary restoration and protection of native fish or wildlife habitat, and natural watershed functions to improve water quality or stream flows.

(3) To encourage the development of high-capacity local infrastructure and continuous improvement.

Stat. Auth.: ORS 541.906

Stats. Implemented: ORS 541.918, 541.926(1)(e), 541.923 & 541.910

Hist.: OWEB 3-2004, f. & cert. ef. 9-20-04; OWEB 1-2014, f. & cert. ef. 8-6-14

695-040-0020

Definitions

(1) "OWEB" means the Oregon Watershed Enhancement Board state agency.

(2) "Board" means the Oregon Watershed Enhancement Board created under ORS 541.900.

(3) "Director" means the Executive Director of the Oregon Watershed Enhancement Board or the Executive Director's designee.

(4) "Watershed council" or "council," pursuant to ORS 541.890(15), means a voluntary local organization, designated by a local government group convened by a county governing body, to address the goal of sustaining natural resources and conducting watershed protection, restoration and enhancement within a watershed as defined in 541.890(14).

(5) "Council Action Plan" means a plan or set of plans adopted by a council or group of councils that identifies and prioritizes the ecological problems the council seeks to address, and the priority, voluntary restoration, enhancement, monitoring and/or community engagement activities the council will conduct to address those problems.

(6) "Council Capacity Grant" means an OWEB grant awarded to a watershed council or group of watershed councils under the Outcome-Based Watershed Council Operating Capacity Grant Program on or after January 1, 2015.

(7) "Watershed Council Support Grant" means an OWEB grant awarded to a watershed council or group of watershed councils prior to July 1, 2013, for the purpose of supporting the capacity of a council or group of councils to conduct the activities necessary for the watershed protection, enhancement, and restoration work of the council(s).

(8) "Council's governing body" means the group of people who have the responsibility to a) ensure that the council meets legal requirements, b) support successful achievement of the council's goals, and c) create a structure, policies, and procedures that support good governance.

Stat. Auth.: ORS 541.906

Stats. Implemented: ORS 541.918, 541.926(1)(e), 541.923 & 541.910

Hist.: OWEB 2-2004, f. 4-6-04 cert. ef. 4-12-04; OWEB 3-2004, f. & cert. ef. 9-20-04; OWEB 1-2014, f. & cert. ef. 8-6-14

695-040-0030

Eligibility Criteria

The purpose of the eligibility criteria is to define which watershed councils are eligible to apply for Council Capacity Grants. These eligibility criteria do not limit or control the existence or creation of watershed councils. A watershed council, or group of watershed councils, is eligible to apply for a Council Capacity Grant only if OWEB determines it meets the eligibility criteria.

(1) Designation as a watershed council by a local government:

(a) For watershed councils previously awarded a Watershed Council Support Grant, the council shall have been designated as a watershed council by a local government.

(b) For new or reorganized watershed councils, the council shall be designated as a watershed council by a county commission, county board, or county court.

(2) Geographic Area:

(a) A geographic area served by a council or group of councils can change. However, to be eligible, OWEB shall determine that a council or group of councils serves an area:

(A) In which a council or group of councils previously received a Watershed Council Support Grant or Council Capacity Grant; and

(B) Which is the same or larger than the geographic area served by a council or group of councils as of July 1, 2013.

(b) In addition, for the purposes of this eligibility criteria:

(A) The geographic area shall include a minimum population of 500 individuals within its designated boundary or boundaries; and

(B) No more than one applicant is eligible for the same geographic area.

(3) The council's governing body has adopted a Council Action Plan: Minimum criteria for Council Action Plans shall be determined in accordance with guidance adopted and periodically reviewed by the Board and made available to the public on the OWEB website and in Board meeting materials.

(4) The council shall demonstrate at least one of the following:

(a) It is registered with the State of Oregon;

(b) It has a written fiscal sponsorship agreement with a 501(c)(3) organization; or

(c) It has a written fiscal sponsorship agreement with a Soil and Water Conservation District, city, county, or tribal government.

(5) Organizational Structure and Business Operations: If OWEB determines a watershed council or group of councils meets the relevant eligibility criteria in sections 1 through 4 above, OWEB shall determine whether the governing documents adopted by the council or group of councils include the elements described in this section.

(a) The council's governing body has adopted bylaws or a charter that includes the following:

(A) A declaration that the council's mission aligns with OWEB's purpose as described in the Oregon Constitution and statutes. At a minimum, the bylaws or charter shall indicate that a primary purpose of the council is to work collaboratively with communities and landowners to develop and carry out voluntary watershed protection, restoration, enhancement, and community engagement activities;

(B) How the governing body is selected;

(C) Titles of officers, e.g., Chair, President, Secretary, Treasurer;

(D) How officers are selected;

(E) Who is eligible for the governing body;

(F) Who is eligible to be an officer;

(G) Length of service on governing body;

(H) Length of service for officers;

(I) Powers of governing body;

(J) Powers of officers;

(K) Minimum number or frequency of governing body meetings;

(L) Decision making process of governing body;

(M) A statement that the council intends its governing body to include a diverse range of geographic areas and community interests in the watershed in order to engage a balance of interested and affected persons within the watershed as required by ORS 541.910(2); and

(N) A process for amending the bylaws or charter.

(O) If the council is a membership organization, in addition to A-N above the bylaws or charter shall include the following:

(i) Who is eligible for membership;

(ii) When membership meetings will occur;

(iii) The decision making role of the membership; and

(iv) A process to remove members or terminate the voting rights of members.

(b) The council's governing body has adopted policies and/or procedures that include the following:

(A) A list of the geographic areas and community interests the council intends to include on its governing body in order to engage a balance of interested and affected persons within the watershed pursuant to ORS 541.910(2);

(B) A policy that the council operates as an open and inclusive organization, including inviting the public to council meetings, and, upon request, providing the public with records of its meetings and decisions;

(C) A policy that the council, or its fiscal sponsor, uses Generally Accepted Accounting Principles; and

ADMINISTRATIVE RULES

(D) A policy that the council does not rely on litigation to compel regulatory enforcement as a means to implement its mission.

Stat. Auth.: ORS 541.906
Stats. Implemented: ORS 541.918, 541.926(1)(e), 541.923 & 541.910
Hist.: OWEB 2-2004, f. 4-6-04 cert. ef. 4-12-04; OWEB 3-2004, f. & cert. ef. 9-20-04; OWEB 1-2014, f. & cert. ef. 8-6-14

695-040-0090

Eligibility Determination

(1) The eligibility of a watershed council or group of councils to submit an application for a Council Capacity Grant shall be determined in accordance with guidance adopted and periodically reviewed by the Board and made available to the public on the OWEB website and Board meeting materials.

(2) If a watershed council disagrees with the determination that it is not eligible to submit an application and wishes to appeal, the council shall appeal to OWEB's Director in accordance with the appeal process contained in the guidance adopted by the Board. The Director shall make the final decision on all eligibility appeals.

Stat. Auth.: ORS 541.906
Stats. Implemented: ORS 541.918, 541.926(1)(e), 541.923 & 541.910
Hist.: OWEB 1-2014, f. & cert. ef. 8-6-14

695-040-0100

Application Requirements

Council Capacity Grant applications shall be submitted on the most current form that conforms to the requirements and process set forth in guidance and periodically reviewed by the Board and made available to the public on the OWEB website and Board meeting materials.

Stat. Auth.: ORS 541.906
Stats. Implemented: ORS 541.918, 541.926(1)(e), 541.923 & 541.910
Hist.: OWEB 1-2014, f. & cert. ef. 8-6-14

695-040-0110

Merit Evaluation

(1) Applications shall be evaluated in accordance with the guidance adopted and periodically reviewed by the Board and made available to the public on the OWEB website and in Board meeting materials.

(2) Through its merit evaluation, OWEB seeks to:

(a) Ensure strategic and accountable investment of public funds;

(b) Encourage continuous improvement in watershed councils' organizational management, operating structure, and functions, and the planning and implementation of on-the-ground watershed protection, restoration, enhancement, and community engagement activities; and

(c) Ensure watershed councils are working toward strengthening their role in watersheds through activities focusing on council resilience, leadership, collaboration, and representing a balance of interested and affected persons within the watershed as required by ORS 541.910(2).

(3) Merit evaluation shall include reviews for:

(a) Prior performance;

(b) Progress in accomplishing council work plans that is demonstrated over time; and

(c) Demonstration of progress toward the objectives described in section 2 above, as set forth in guidance adopted by the Board.

Stat. Auth.: ORS 541.906
Stats. Implemented: ORS 541.918, 541.926(1)(e), 541.923 & 541.910
Hist.: OWEB 1-2014, f. & cert. ef. 8-6-14

695-040-0120

Board Action on Eligible Applications

(1) The Board may fund grants to watershed councils or a group of councils.

(2) The Board shall take action on eligible applications for Council Capacity Grants in accordance with guidance adopted by the Board and made available to the public on the OWEB website and in Board meeting materials.

(3) Individual Council Capacity Grant funding levels are within the Board's discretion based on consideration of:

(a) A watershed council's merit evaluation;

(b) The Board's determination, if any, under 695-040-0120(3)(d); and

(c) Available funding.

(d) Notwithstanding subsections (a), (b) and (c), the Board may award an individual Council Capacity Grant for a larger geographic area when the Board determines that such action will likely increase collaboration and resource sharing, inter-watershed coordination, and will likely foster organizational resilience and watershed restoration outcomes at a larger landscape scale. The Board's determination shall be made in accordance with guidance adopted and periodically reviewed by the Board and made available to the public on the OWEB website and in Board meeting materials.

Such an award by the Board may include a reduction in the number of individual Council Capacity Grants within the larger geographic area and a reduction in funding levels for individual watershed councils within the larger geographic area.

Stat. Auth.: ORS 541.906
Stats. Implemented: ORS 541.918, 541.926(1)(e), 541.923 & 541.910
Hist.: OWEB 1-2014, f. & cert. ef. 8-6-14

695-040-0130

Use of Funds

A Council Capacity Grant provides funding for operations of a watershed council or group of councils.

Stat. Auth.: ORS 541.906
Stats. Implemented: ORS 541.918, 541.926(1)(e), 541.923 & 541.910
Hist.: OWEB 1-2014, f. & cert. ef. 8-6-14

695-040-0140

Grant Agreement Conditions

The Council Capacity grantee shall be required to:

(1) Submit to OWEB an annual work plan update;

(2) Submit an annual report to all local government entities that designated the council; and

(3) Obtain appropriate levels of insurance coverage commensurate with council activities.

Stat. Auth.: ORS 541.906
Stats. Implemented: ORS 541.918, 541.926(1)(e), 541.923 & 541.910
Hist.: OWEB 1-2014, f. & cert. ef. 8-6-14

695-040-0150

Waiver of Rules

The Director may waive any requirements of Division 40 for individual grant applications, not including mandatory statutory requirements, when doing so will result in more efficient or effective implementation of the Outcome-Based Watershed Council Operating Capacity Grant Program. Any waiver granted shall be in writing and included in the permanent file of the grant for which the waiver was granted.

Stat. Auth.: ORS 541.906
Stats. Implemented: ORS 541.918, 541.926(1)(e), 541.923 & 541.910
Hist.: OWEB 1-2014, f. & cert. ef. 8-6-14

..... Parks and Recreation Department Chapter 736

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

Adm. Order No.: PRD 3-2014

Filed with Sec. of State: 8-6-2014

Certified to be Effective: 8-31-14

Notice Publication Date: 7-1-2014

Rules Amended: 736-018-0045

Subject: ORS 390.180 (1) authorizes the Director of the Oregon Parks and Recreation Department to adopt administrative rules that establish a master plan for each state park. Accordingly, OPRD is adopting a new master plan for Milo McIver State Park, titled Milo McIver State Park Comprehensive Plan. Master plans for state parks are adopted as administrative rules under OAR 736-018-0045. The purpose of amending OAR 736-018-0045 is to adopt the Plan as an Oregon Administrative Rule.

The Milo McIver State Park Comprehensive Plan responds to the most current information on park resource conditions and public recreation needs as they pertain to this park. The Plan was formulated through OPRD's mandated planning process which included meetings and written comment opportunities involving the general public, a planning advisory committee, local residents, tribes that are affiliated with the area, and affected state and federal agencies and local governments.

The Milo McIver State Park Comprehensive Plan has no effect on small businesses. However, businesses have had the same opportunities to be involved, through public meetings and written comment opportunities, as other members of the public.

Rules Coordinator: Vanessa DeMoe—(503) 986-0719

736-018-0045

Adopted State Park Master Plan Documents

(1) The following state park master plan documents have been adopted and incorporated by reference into this division:

ADMINISTRATIVE RULES

- (a) Fort Stevens State Park Master Plan, as amended in 2001;
- (b) Cape Lookout State Park, amended in 2012 as Cape Lookout State Park Comprehensive Plan;
- (c) Cape Kiwanda State Park, renamed as Cape Kiwanda State Natural Area;
- (d) Nestucca Spit State Park, renamed as Robert Straub State Park;
- (e) Jessie M. Honeyman Memorial State Park as amended in 2009;
- (f) Columbia Gorge Management Unit Master Plan, including: Rocky Butte State Scenic Corridor, Lewis and Clark State Recreation Site, Dabney State Recreation Area, Portland Womens' Forum State Scenic Viewpoint, Crown Point State Scenic Corridor, Guy W. Talbot State Park, George W. Joseph State Natural Area, Rooster Rock State Park, Shepperd's Dell State Natural Area, Bridal Veil Falls State Scenic Viewpoint, Dalton Point State Recreation Site, Benson State Recreation Area, Ainsworth State Park, McLoughlin State Natural Area, John B. Yeon State Scenic Corridor, Bonneville State Scenic Corridor, Sheridan State Scenic Corridor, Lang Forest State Scenic Corridor, Lindsey Creek State Scenic Corridor, Starvation Creek State Park, Viento State Park, Wygant State Natural Area, Vinzenz Lausman Memorial State Natural Area, Seneca Fouts Memorial State Natural Area, Koberg Beach State Recreation Site, Memaloose State Park, and Mayer State Park;
- (g) Molalla River State Park;
- (h) Champoege State Park;
- (i) Willamette Mission State Park;
- (j) Cascadia State Park;
- (k) Willamette River Middle Fork State Parks Master Plan, 2006, including: Elijah Bristow State Park; Jasper State Recreation Site; Pengra Access; Dexter State Recreation Site; Lowell State Recreation Site; and the parks that comprise the Fall Creek State Recreation Area, including Winberry Park, North Shore Park, Sky Camp, Cascara Campground, Fisherman's Point Group Camp, Free Meadow, Lakeside 1 and Lakeside 2;
- (l) Cove Palisades State Park Master Plan, as amended in 2002;
- (m) Silver Falls State Park Master Plan, as amended in 2009;
- (n) Curry County State Parks Master Plan, including: Floras Lake State Park, renamed as Floras Lake State Natural Area; Cape Blanco State Park; Paradise Point Ocean Wayside, renamed as Paradise Point State Recreation Site; Port Orford Heads Wayside, renamed as Port Orford Heads State Park; Humbug Mountain State Park; Otter Point Wayside, renamed as Otter Point State Recreation Site; Cape Sebastian State Park, renamed as Cape Sebastian State Scenic Corridor; Otter Point Wayside; Port Orford Cedar Forest Wayside, renamed as Port Orford Cedar Forest State Scenic Corridor; and Buena Vista Ocean Wayside; Pistol River State Scenic Viewpoint; Samuel H. Boardman State Scenic Corridor; Harris Beach State Recreation Area; McVay State Recreation Site; Winchuck State Recreation Site; Crissey Field State Recreation Site; Alfred A. Loeb State Park;
- (o) Hat Rock State Park Master Plan, renamed as Hat Rock State Recreation Area;
- (p) Deschutes County State Parks, including: La Pine and Tumalo State Parks; Cline Falls, renamed as Cline Falls State Scenic Viewpoint; and Pilot Butte, renamed as Pilot Butte State Scenic Viewpoint;
- (q) Sunset Bay District Parks, including: Umpqua Lighthouse State Park (this chapter was replaced by the Umpqua Lighthouse State Park Master Plan, 2004); William M. Tugman State Park; Yoakam Point State Park, renamed as Yoakam Point State Natural Site; Sunset Bay State Park; Shore Acres State Park; and Cape Arago State Park;
- (r) Bullards Beach District Parks, including: Seven Devils State Wayside, renamed as Seven Devils State Recreation Site; Bullards Beach State Park; Bandon Ocean Wayside, renamed as Face Rock State Scenic Viewpoint; and Bandon State Park, renamed as Bandon State Natural Area;
- (s) Tillamook County Coastal State Parks, including: Oswald West State Park; Nehalem Bay State Park (this chapter was replaced by the Nehalem Bay State Park Master Plan, 2009); Cape Meares State Park, renamed as Cape Meares State Scenic Viewpoint; Neahkanie-Manzanita State Wayside, renamed as Neahkanie-Manzanita State Recreation Site; Manhattan Beach State Wayside, renamed as Manhattan Beach State Recreation Site; Rockaway Beach State Wayside, renamed as Rockaway Beach State Recreation Site; Twin Rocks State Wayside, renamed as Twin Rocks State Natural Site; Oceanside Beach State Wayside, renamed as Oceanside Beach State Recreation Site; and Neskowin Beach State Wayside, renamed as Neskowin Beach State Recreation Site;
- (t) Beverly Beach District Parks South, including: Boiler Bay State Park, renamed as Boiler Bay State Scenic Viewpoint; Rocky Creek State Wayside, renamed as Rocky Creek State Scenic Viewpoint; Otter Crest State Wayside, renamed as Otter Crest State Scenic Viewpoint; Devil's Punchbowl State Park, renamed as Devil's Punchbowl State Natural Area;

Beverly Beach State Park; Agate Beach State Wayside, renamed as Agate Beach State Recreation Site; and Ellmaker State Park, renamed as Ellmaker State Wayside;

- (u) Smith Rock State Park;
- (v) Collier District Parks, including: Booth State Wayside, renamed as Booth State Scenic Corridor; Chandler State Wayside; Collier Memorial State Park; Goose Lake State Recreation Area; Jackson F. Kimball State Park, renamed as Jackson F. Kimball State Recreation Site; and Klamath Falls-Lakeview Forest Wayside, renamed as Klamath Falls-Lakeview Forest State Scenic Corridor;
- (w) Banks-Vernonia State Park, renamed as Banks-Vernonia State Trail;

(x) Sumpter Valley Dredge State Park, renamed as Sumpter Valley Dredge State Heritage Area;

- (y) Illinois River Forks State Park;
- (z) Wallowa County State Parks Master Plan, 2000;
- (aa) L.L. "Stub" Stewart Memorial State Park Master Plan, 2005;
- (bb) Master Plan for Clay Myers State Natural Area at Whalen Island,

2003;

- (cc) South Beach State Park Master Plan, 2003;
- (dd) Prineville Reservoir Resource Management Plan/Master Plan,

- 2003;
- (ee) Detroit Lake State Park Master Plan, 2002;
 - (ff) Umpqua Lighthouse State Park Master Plan, 2004;
 - (gg) Fort Yamhill State Heritage Area Master Plan, 2004;
 - (hh) Thompson's Mills State Heritage Site Master Plan, 2006;
 - (ii) Luckiamute State Natural Area Master Plan, 2009;
 - (jj) Iwetemlaykin State Heritage Site Master Plan, 2009;
 - (kk) Kam Wah Chung State Heritage Site Master Plan, 2009;
 - (ll) Nehalem Bay State Park Master Plan, 2009;
 - (mm) Bates State Park Master Plan, 2010;
 - (nn) Cottonwood Canyon State Park Comprehensive Plan, 2012;
 - (oo) Milo McIver State Park Comprehensive Plan, 2014.

(2) The master plan documents which have been incorporated by reference into this division are available from the State Parks and Recreation Department, 725 Summer Street NE, Suite C, Salem OR 97301.

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

Stat. Auth.: ORS 390.180(1)(c)

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

Hist.: PRD 9-1998, f. 7-29-98, cert. ef. 7-31-98; PRD 4-1999, f. & cert. ef. 5-14-99; PRD 9-2000, f. 6-14-00, cert. ef. 7-1-00; PRD 1-2001, f. & cert. ef. 2-1-01; PRD 5-2001, f. & cert. ef. 6-29-01; PRD 6-2001, f. & cert. ef. 9-6-01; PRD 3-2002, f. & cert. ef. 3-22-02; PRD 2-2003, f. & cert. ef. 2-27-03; PRD 3-2003, f. & cert. ef. 2-27-03; PRD 5-2003, f. & cert. ef. 7-8-03; PRD 9-2003, f. & cert. ef. 10-13-03; PRD 11-2003, f. & cert. ef. 11-7-03; PRD 7-2004, f. & cert. ef. 5-14-04; PRD 9-2004, f. & cert. ef. 6-14-04; PRD 1-2005, f. & cert. ef. 2-4-05; PRD 3-2005, f. & cert. ef. 5-4-05; PRD 4-2006, f. 7-14-06, cert. ef. 7-14-06; PRD 5-2006, f. 9-15-06, cert. ef. 10-1-06; PRD 1-2009, f. 1-15-09, cert. ef. 2-1-09; PRD 3-2009, f. 3-12-09, cert. ef. 4-1-09; PRD 4-2009, f. 4-15-09, cert. ef. 5-1-09; PRD 5-2009, f. 4-15-09, cert. ef. 5-1-09; PRD 6-2009, f. 5-14-09, cert. ef. 6-1-09; PRD 12-2009, f. & cert. ef. 9-3-09; PRD 13-2009, f. 9-15-09 cert. ef. 10-1-09; PRD 9-2010, f. 9-15-10, cert. ef. 10-1-10; PRD 6-2012, f. 9-13-12, cert. ef. 9-14-12; PRD 11-2012, f. 12-13-12, cert. ef. 12-31-12; PRD 3-2014, f. 8-6-14, cert. ef. 8-31-14

Secretary of State, Archives Division Chapter 166

Rule Caption: Updating the City Records Retention Schedule

Adm. Order No.: OSA 2-2014

Filed with Sec. of State: 8-7-2014

Certified to be Effective: 8-7-14

Notice Publication Date: 5-1-2014

Rules Adopted: 166-200-0200, 166-200-0205, 166-200-0210, 166-200-0215, 166-200-0220, 166-200-0225, 166-200-0230, 166-200-0235, 166-200-0240, 166-200-0245, 166-200-0250, 166-200-0255, 166-200-0260, 166-200-0265, 166-200-0270, 166-200-0275, 166-200-0280, 166-200-0285, 166-200-0290, 166-200-0295, 166-200-0300, 166-200-0305, 166-200-0310, 166-200-0315, 166-200-0320, 166-200-0325, 166-200-0330, 166-200-0335, 166-200-0340, 166-200-0345, 166-200-0350, 166-200-0355, 166-200-0360, 166-200-0365, 166-200-0370, 166-200-0375, 166-200-0380, 166-200-0385, 166-200-0390, 166-200-0395, 166-200-0400, 166-200-0405

Rules Repealed: 166-200-0005, 166-200-0010, 166-200-0015, 166-200-0020, 166-200-0025, 166-200-0030, 166-200-0035, 166-200-0040, 166-200-0045, 166-200-0050, 166-200-0055, 166-200-0060, 166-200-0065, 166-200-0070, 166-200-0075, 166-200-0080, 166-200-0085, 166-200-0090, 166-200-0095, 166-200-0100, 166-200-

ADMINISTRATIVE RULES

0105, 166-200-0110, 166-200-0115, 166-200-0120, 166-200-0125, 166-200-0130, 166-200-0135, 166-200-0140, 166-200-0145

Subject: These rules establish the minimum length of time (retention) that a city is required to maintain all public records created, filed, received and maintained by their programs and departments.

Rules Coordinator: Julie Yamaka—(503) 378-5199

166-200-0200

City Records

This General Schedule prescribes minimum retention periods for public records created and maintained by the cities of Oregon. Retention periods apply to the record copy of all public records, regardless of medium or physical format, created or stored by the above specified agencies. Please note the exceptions to this General Schedule listed in OAR 166-030-0027 before disposing of records.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0205

Accounting — Bonds

Accounting documents the financial transactions of the city to ensure the integrity, accuracy and control of city funds. Bonds document the repayment of funds provided to the city with external funds to finance long-term investments, or, in the case of government bonds, to finance current expenditures.

(1) Bond Foreclosure Records (166-200-0035(5)) — Minimum retention: 3 years after final payment, redemption, sale, or action.

(2) Bond Records (166-200-0035(4), (7), (9)) — Minimum retention: 3 years after final payment.

(3) Bonds Registers and Receipts (166-200-0035(6), (8)) — Minimum retention: 3 years after annual audit report issued.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0210

Accounting — Disbursements

Accounting documents the financial transactions of the city to ensure the integrity, accuracy and control of city funds. Disbursements document the payments and transactions of city purchases.

(1) Accounts Payable Records (166-200-0010(23); 166-200-0050(1), (13), (20); 166-200-0075(6)) — Minimum retention: 3 years after annual audit report has been completed.

(2) Credit Slips (166-200-0050(11)) — Minimum retention: 3 years after credit expired or redeemed.

(3) Emergency Management Assistance Expense Records (166-200-0030(6)) — Minimum retention: 3 years after annual or final expenditure report submitted.

(4) Purchasing Records (166-200-0050(22), (29) and (166-200-0010(23), (24)) — Minimum retention: 3 years.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0215

Accounting — Financial Reporting

Accounting documents the financial transactions of the city to ensure the integrity, accuracy and control of city funds. Financial Reporting is used to communicate the financial activities of the city to its staff, leadership and the general public.

(1) Assessment Balance Reports (166-200-0035(1)) — Minimum retention:

(a) Annual reports or similar cumulative summaries, retain permanently;

(b) All other reports, retain 3 years.

(2) Assessment Dockets, Ledgers, and Registers (166-200-0035(3)) — Minimum retention: 3 years after final payment.

(3) Audit Reports, External Records (166-200-0050(3)) — Minimum retention: Permanent.

(4) Balance Status and Projection Reports (166-200-0050(4)) — Minimum retention: 3 years after annual audit report issued.

(5) Bank Transaction Records* (166-200-0050(5)) — Minimum retention:

(a) For retention of records documenting grant transactions, see Grant Records in this section;

(b) All other records, retain 3 years after annual audit report issued.

(6) City Improvement Administrative and Financial Records* (166-200-0050(8)) — Minimum retention:

(a) Records of project cost, retain 3 years after disposal or replacement of facility, structure, or system;

(b) All other improvement records, retain 10 years after substantial completion as defined by ORS 12.135(3).

(7) Emergency Management Assistance Fiscal Reports (166-200-0030(7)) — Minimum retention:

(a) If used for billing, retain 3 years;

(b) If not used for billing, destroy.

(8) Financial Reports (166-200-0050(14)) — Minimum retention:

(a) Annual reports, retain permanently;

(b) All other financial reports, retain 3 years after annual audit report issued.

(9) General Ledgers* Records (166-200-0050(15)) — Minimum retention:

(a) Year-end ledgers*, retain 10 years;

(b) All other general ledger, retain 5 years.

(10) Internal Audit Records (166-200-0010(11)) — Minimum retention: 10 years

(11) Real Property Transaction Records* (166-200-0050(23)) — Minimum retention: 10 years after transaction completed and final audit accepted.

(12) Subsidiary Ledgers, Journals, and Registers Records (166-200-0050(26)) — Minimum retention:

(a) Year-end payroll register, retain 75 years;

(b) Trust fund ledgers, retain 3 years after trust fund closed;

(c) Other subsidiary ledgers, journals, and registers, retain 3 years.

(13) Unclaimed Property Report (166-200-0050(28)) — Minimum Retention: 3 years after the property is remitted to the Department of State Lands.

(14) Utility Account Change Records (166-200-0045(1)) — Minimum retention: 2 years.

(15) Utility Application/Disconnect Records (166-200-0045(2)) — Minimum retention: 3 years.

(16) Vendor Lists (166-200-0050(30)) — Minimum retention: Until superseded or obsolete.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0220

Accounting — Grants

Accounting documents the financial transactions of the city to ensure the integrity, accuracy and control of city funds. Grants relate to funds received or disbursed by the city for a specific project or undertaking.

(1) Grant Records (166-200-0050(17)) Minimum retention:

(a) Final reports from significant (as defined by city policy) grants to the city, retain permanently;

(b) Records documenting the purchase and/or disposal of real property, retain 10 years after substantial completion, or 3 years after final disposition, or as specified in agreement, whichever is longer;

(c) Other grant records, retain 3 years after annual or final expenditure report submitted and approved or, as specified in agreement, whichever is longer;

(d) Unsuccessful grant applications, retain 1 year after rejection or withdrawal.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0225

Accounting — Reconciliation

Accounting — documents the financial transactions of the city to ensure the integrity, accuracy and control of city funds. Reconciliation — documents the settlement, bankruptcy and lien actions for the city.

(1) Assessment Deferral Records (166-200-0035(2), (3)) — Minimum retention: 3 years after final payment.

(2) Bankruptcy Notices* Records (166-200-0050(6)) — Minimum retention: 3 years from discharge of debt.

(3) Lien Records (166-200-0135(11)) — Minimum retention: 3 years after lien paid in full.

(4) Lien Search Records (166-200-0050(20)) — Minimum retention: 2 years after date of search.

(5) Utility Service Records — (166-200-0045(1), (2)) — Minimum retention: 3 years.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

ADMINISTRATIVE RULES

166-200-0230

Accounting — Revenue

Accounting documents the financial transactions of the city to ensure the integrity, accuracy and control of city funds. Revenue documents the invoicing, cashiering and reconciliation of monies owed to the city.

(1) Accounts Receivable Records* (166-200-0050(2); 166-200-0010(9); 166-200-0075(6)) — Minimum retention: 3 years after collected or deemed uncollectible.

(2) Check Conversion Records (166-200-0050(7)) — Minimum Retention:

(a) Retain original paper instrument 120 days;

(b) Retain Automated Clearing House (ACH) transaction or Image Replacement Document (IRD), 6 years.

(3) Credit and Debit Receipts (166-200-0050(10)) — Minimum Retention: Retain 3 years after transaction.

(4) Gift and Contribution Records (166-200-0050(16)) Minimum retention:

(a) For retention of conditional gift, contribution and donation records, see Contracts and Agreements in the Recorder-General section;

(b) All other records, retain 3 years.

(5) Investment Records (166-200-0050 (19)) — Minimum retention: 3 years after investment ends.

(6) Revenue Sharing Records* (166-200-0050(24)) — Minimum retention: 3 years.

(7) Trust Fund Records (166-200-0050(27)) — Minimum retention: Records not duplicated elsewhere in city records, retain 3 years after trust fund closed.

(8) Utility Bill Records (166-200-0045(3), (4), (5), (6), and (7)) — Minimum retention: 3 years.

(9) Utility Customer Security Deposit Records (166-200-0045(6)) — Minimum retention: 3 years after refund or last action.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0235

Administrative

Administrative documents the activities related to the day to day operations of the city.

(1) City Awards and Recognitions — Minimum Retention:

(a) Applications and submitted records, retain 5 years;

(b) Notification of Award, retain 10 years.

(2) Delivery Records (166-200-0110(6), (8)) — Minimum retention: 2 years.

(3) Index/Finding Aid Records (166-200-0010(9)) — Minimum retention: Until superseded or obsolete.

(4) Mailing Lists (166-200-0010(14)) — Minimum retention: Until superseded or obsolete.

(5) Meeting Records, Boards, Commissions, Committee, and Governing Bodies* (166-200-0010(15), (16); 166-200-0095(15), (16); 166-200-0135(5)) — Minimum retention:

(a) Minutes* (except executive session minutes), agendas, resolutions, indexes, and exhibits (not retained permanently elsewhere in city records) permanently;

(b) Executive session minutes, retain 10 years;

(c) Audio or visual recordings 1 year after minutes prepared and approved;

(d) Other records and exhibits not pertinent to minutes, retain 5 years.

(6) Meeting Records, Staff (166-200-0010(17)) — Minimum retention: 2 years.

(7) Notary Public Log Book (166-200-0010(20)) — Minimum retention: 10 years after date of commission expiration.

(8) Organizational Records (166-200-0010(21)) — Minimum retention: Permanent.

(9) Participant Registration and Attendance Records (166-200-0080(5)) — Minimum retention: 3 years.

(10) Professional Membership Records (166-200-0010(24)) — Minimum retention: 3 years.

(11) Project Files — Minimum retention:

(a) Projects that develop into city sponsored projects (i.e. public works, street improvement, capital construction, etc.) see that section of the schedule for appropriate retention;

(b) All other projects, retain 10 years, destroy.

(12) Publications (166-200-0010(27); 166-200-0065(7)) — Minimum retention:

(a) Routine, general informational publications retain until superseded or obsolete;

(b) Publications documenting special events or information with long term value, retain permanently.

(13) Public Programs Education Records (166-200-0030(10)) — Minimum Retention: 3 years.

(14) Registered Contractor Lists (166-200-0025(11)) — Minimum retention: Until superseded or obsolete.

(15) Requests and Complaints (166-200-0015(6); 166-200-0110(28)) — Minimum retention: 2 years after last action.

(16) Special Event and Celebration Records (166-200-0010(34)) — Minimum retention:

(a) Records documenting significant aspects of the event, retain permanently;

(b) Other records, retain 2 years after event.

(17) Surveys, Polls, and Questionnaires (166-200-0010(35)) — Minimum retention:

(a) Summary reports and abstracts, retain 3 years;

(b) All other records, retain until summary report is completed or 3 years, whichever is sooner.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0240

Airport

Airport documents the activities associated with the operation of a municipal airport and may include records detailing the city's compliance with Federal Aviation Administration (FAA) requirements.

(1) Airport Certification Records (166-200-0015(2)) — Minimum retention:

(a) Certification manuals or specifications, retain permanently;

(b) All other records, retain 2 years after expiration.

(2) Airport Federal Aviation Reports (166-200-0015(5)(c)) — Minimum retention: 5 years.

(3) Airport Law Enforcement Action Records (166-200-0015(7)) — Minimum retention: 2 years.

(4) Noise Compatibility Program Records (166-200-0015(9)) — Minimum retention:

(a) Program records described in 14 CFR 150.23 (e), retain permanently;

(b) All other records, retain 5 years after program approved.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0245

Budgeting

Budgeting documents the development, monitoring and analysis of the city's estimated future revenue and expenditures.

(1) Adopted Budget (166-200-0040(1)) — Minimum retention: Permanent.

(2) Budget Preparation Records (166-200-0040(3)) — Minimum retention: 2 years.

(3) Financial Impact Analysis Records (166-200-0040(4)) — Minimum retention: 3 years.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0250

Building Records

Building Records document actions on real property owned or used by the city or private interests.

(1) Building Board of Appeals Records (166-200-0025(2)) — Minimum retention:

(a) Minutes, agendas, resolutions, indexes, and exhibits (not retained permanently elsewhere in city records), retain permanently;

(b) Audio or visual recordings, retain 1 year after minutes prepared and approved;

(c) All other records and exhibits not pertinent to minutes, retain 5 years.

(2) Building Code Violation (166-200-0025(3)) — Minimum retention: 10 years after last action.

(3) Building Inspection Records (166-200-0025(4)) — Minimum retention:

(a) Final inspections, retain for the life of the structure;

(b) All other inspections, retain 2 years.

ADMINISTRATIVE RULES

(4) Building Plans, City Owned Structures (166-200-0025(8)) — Minimum retention:

(a) If permit issued and structure completed, retain for the life of the structure;

(b) If no permit issued, retain 180 days;

(c) If permit issued, but structure not started, completed, or permit expired, retain 180 days after expiration date.

(5) Building Plans, Nonresidential (166-200-0025(7)) — Minimum retention:

(a) If permit issued and structure completed, retain 10 years after substantial completion [as defined by ORS 12.135(3)];

(b) If no permit issued, retain 180 days;

(c) If permit issued, but structure not started, completed, or permit expired, retain 180 days after expiration date.

(6) Building Plans, Residential (166-200-0025(9)) — Minimum retention:

(a) If permit issued and structure completed, retain 2 years after substantial completion;

(b) If no permit issued, retain 180 days;

(c) If permit issued, but structure not started or permit has expired, retain 180 days after expiration date.

(7) Certificates of Occupancy (166-200-0025(10)) — Minimum retention: Life of the structure.

(8) Unsafe Building Records (166-200-0025(12)) — Minimum retention: 5 years after final action.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0255

Communications and Distributions

Communications and Distributions document the communication of the city's mission and activities to the public, their employees and other agencies.

(1) Citizen Awards (166-200-0070(2)) — Minimum retention: 6 years.

(2) Communications Logs (166-200-0010(5)) — Minimum retention: 1 year.

(3) Legal Notices (166-200-0130(7)) — Minimum retention:

(a) One copy of city voters' pamphlet, retain permanently;

(b) All other records, retain 4 years.

(4) Press Releases (166-200-0010(19)) — Minimum retention:

(a) Policy and historic news releases, retain permanently.

(b) Routine news releases, retain 2 years.

(5) Public Notice Records* (166-200-0010(26)) — Minimum retention: 3 years.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0260

Compliance

Compliance documents adherence to established statutes, rules, policies and procedures.

(1) Contractor Liability Insurance Verification (166-200-0140(2)) — Minimum retention:

(a) If related to city improvement project, retain 10 years after substantial completion, as defined by ORS 12.135(3);

(b) All other records, retain 6 years after expiration.

(2) Contractor Performance Bond Records (166-200-0140(3)) — Minimum retention:

(a) If related to city improvement project retain 10 years after substantial completion, as defined by ORS 12.135(3);

(b) All other bond records, retain 6 years after expiration.

(3) Employee Bond Records* (166-200-0050(12)) — Minimum retention: 6 years after expiration.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0265

Contracts

Contracts document the solicitation, negotiation and purchasing goods and services for cities and employees.

(1) Collective Bargaining (166-200-0090(3)) — Minimum retention:

(a) Contracts and minutes, retain 75 years after contract expires;

(b) Other records, retain 6 years after contract expires.

(2) Competitive Bid Records (166-200-0050(9)) — Minimum retention:

(a) Accepted city improvement bids 10 years after substantial completion [as defined by ORS 12.135(3)];

(b) All other accepted bids 6 years after bid awarded or canceled;

(c) Rejected bids and bid exemptions, retain 2 years.

(3) Contracts and Agreements (166-200-0135(4); 166-200-0120(8)) — Minimum retention:

(a) Collective bargaining contract records, retain 75 years after contract expires;

(b) Construction contract records, retain 10 years after substantial completion;

(c) All other contract records, retain 6 years after expiration.

(4) Franchise Records (166-200-0135(9)) — Minimum retention: 6 years after expiration.

(5) Insurance Policy Records (166-200-0140(6)) — Minimum retention:

(a) Group employee health and life, property, and liability insurance, retain 75 years after expiration if no claims pending;

(b) All other insurance records, retain 6 years after expiration if no claims pending.

(6) Lease Records (166-200-0135(10)) — Minimum retention:

(a) Leases denied or not completed, retain 2 years;

(b) All other leases, retain 6 years after expiration.

(7) Rental and Loan Records (166-200-0080(6)) — Minimum retention: 3 years.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0270

Information Management

Information Management documents the planning, implementation and management of technology and information management and telecommunications systems.

(1) Computer System Migration Plans — Minimum retention: retain until superseded or obsolete.

(2) Computer System Program Documentation (166-200-0060(2)) — Minimum retention: retain 1 year after system superseded.

(3) Computer System Wiring Records (166-200-0060(4)) — Minimum retention: Current plus previous.

(4) Data Management System Records (166-200-0145(2)) — Minimum retention: Until superseded or obsolete.

(5) Information Service Subscription Records (166-200-0060(7)) — Minimum retention: 2 years.

(6) Information System Planning and Development Records (166-200-0060(8)) — Minimum retention:

(a) Implemented systems, retain for the life of the system;

(b) Unimplemented systems, retain 3 years.

(7) Software Management Records (166-200-0060(11)) — Minimum retention: 2 years after software disposed of or upgraded.

(8) Telecommunications System Management Records (166-200-0060(12)) — Minimum retention: 1 year after system superseded or obsolete.

(9) User Support Records (166-200-0060(13)) — Minimum retention: 1 year.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0275

Legal

Legal documents the advice and management of the agency's legal affairs; including the development, review and interpretations of statutes and rules. Legal includes both internal and outside counsel.

(1) Attorney's Civil and Criminal Case Files (166-200-0020(1), (2)) — Minimum retention: 10 years after case closed, dismissed, or date of last action.

(2) Dispute Resolution Records (166-200-0020(3)) — Minimum retention: 3 years.

(3) Land Use Board of Appeals (LUBA) Case Files (166-200-0020(4)) — Minimum retention: 10 years after final decision.

(4) Legal Opinions (166-200-0020(5)) — Minimum retention: Permanent.

(5) Public Records Disclosure Request Records (166-200-0050(6)) — Minimum retention: retain 2 years after last action.

ADMINISTRATIVE RULES

(6) Signature Authorization Records* (166-200-0020(25)) — Minimum retention: 6 years after authorization superseded or expired.

(7) Tort Claim Notices (166-200-0020(7)) — Minimum retention: 3 years after claim closed.

(8) Victim/Witness Assistance Program Records (166-200-0020(8)) — Minimum retention: 5 years.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0280

Library

Library documents the operations and management of the city's public library.

(1) Accession Records (166-200-0065(1)) — Minimum retention: Until superseded or obsolete.

(2) Borrower Registration Records (166-200-0065(2)) — Minimum retention: Until superseded or 1 year after expiration or non-use.

(3) Catalogs (166-200-0065(3)) — Minimum retention: Until superseded or obsolete.

(4) Circulation Records (166-200-0065(4)) — Minimum retention: Until superseded or obsolete.

(5) Inter-Library Loan Records (166-200-0065(5)) — Minimum retention: 6 months after materials returned to owner library.

(6) Master Shelf Lists/Inventories (166-200-0065(9)) — Minimum retention: Until superseded or obsolete.

(7) Overdue Book Records (166-200-0065(11)) — Minimum retention: Until materials returned or debts reconciled or deemed uncollectible.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0285

Mayor/Council

Mayor/Council documents the activities and decisions of the city's elected officials.

(1) Appointment Records (166-200-0070(1)) — Minimum retention:

(a) Mayor or councilor appointments, retain permanently;

(b) Commissioners and other positions, if appointed, retain 6 years after separation;

(c) All other positions, if not appointed, retain 1 year.

(2) Legislative Issues Records (166-200-0070(3)) — Minimum retention: 4 years.

(3) Proclamations (166-200-0070(4)) — Minimum retention:

(a) Proclamations requested by outside groups or organizations, retain 1 year;

(b) All other proclamations, retain permanently.

(4) Sister City Records (166-200-0070(5)) — Minimum retention:

(a) Ceremonial agreements, retain permanently;

(b) Financial records, retain 3 years.

(5) State of the City Addresses (166-200-0070(6)) — Minimum retention: Permanent.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0290

Municipal Court

Municipal Court documents the operations of the courts as well as the proceedings of cases presented before the court.

(1) Appeals Records — (166-200-0075(1)) — Minimum retention:

(a) DUII case records, retain 10 years after case closed, dismissed or date of last action;

(b) All other records, retain 5 years after case closed, dismissed or date of last action.

(2) Court Appointed Attorney Application Records (166-200-0075(4)) — Minimum retention: 1 year.

(3) Court Appointed Attorney Lists (166-200-0075(5)) — Minimum retention: Until superseded or obsolete.

(4) Court Orders and Procedural Rules (166-200-0075(7)) — Minimum retention: Current plus previous orders and rules.

(5) Docket/Trial Calendars (166-200-0075(8)) — Minimum retention: 90 days.

(6) DUII Case Files (166-200-0075(9)) — Minimum retention: 10 years after case closed or dismissed or date of last action.

(7) DUII Diversion Program/Conviction Summary Records (166-200-0075(10)) — Minimum retention: 5 years.

(8) Jury Records (166-200-0075(11)) — Minimum retention: 3 years.

(9) Municipal Court Criminal Case Files (166-200-0075(12)) — Minimum retention: 10 years after case closed or dismissed or date of last action.

(10) Municipal Court Expunged or Sealed Records (166-200-0075(13)) — Minimum retention:

(a) Expunged records, retain according to the directive of the court;

(b) Expungement orders, retain 10 years or according to the directive of the court;

(c) Sealed records, retain 10 years or according to the directive of the court.

(11) Ordinance Violation Case Files (166-200-0075(14)) — Minimum retention:

(a) Citations issued, retain 5 years after case closed or dismissed or date of last action;

(b) Records of citations not issued, retain 1 year after date of last action.

(12) Parking Citation Records (166-200-0075(15)) — Minimum retention: 3 years after satisfied, dismissed or deemed uncollectible.

(13) Traffic Citation Case Files (166-200-0075(17)) — Minimum retention: 5 years after case closed, dismissed or date of last action.

(14) Trial Proceedings Records/Register of Actions (166-200-0075(18)) — Minimum retention:

(a) Criminal cases, retain 10 years after case closed, dismissed, or date of last action;

(b) Non-criminal cases, retain 5 years after case closed, dismissed or date of last action.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0295

Payroll

Payroll is responsible for the management of accounting functions related to employee compensation and benefits as well as, the actual compensation of city employees.

(1) Deduction Authorization Records (166-200-0085(1)) — Minimum retention: 3 years after superseded, terminated, or employee separates.

(2) Deduction Registers (166-200-0085(2)) — Minimum retention: Registers documenting state and federal taxes, retain 5 years.

(3) Employee Time Records (166-200-0085(3)) — Minimum retention:

(a) For the retention of records documenting the expenditure of grant funds, see Grant Records;

(b) Other records, retain 4 years.

(4) Federal and State Tax Records (166-200-0085(4)) — Minimum retention: 5 years.

(5) Garnishment Records (166-200-0085(5)) — Minimum retention: 3 years after resolution.

(6) Leave Applications (166-200-0085(6)) — Minimum retention: 3 years.

(7) Leave Balance Reports (166-200-0085(7)) — Minimum retention:

(a) Year-end leave balance reports, retain 75 years after date of hire;

(b) All other reports, retain 4 years.

(8) Payroll Administrative Reports (166-200-0085(8)) — Minimum retention: 3 years.

(9) Payroll Registers (166-200-0085(9)) — Minimum retention:

(a) Year-end, or month-end if no year-end payroll registers, retain 75 years;

(b) All other payroll registers, retain 2 years.

(10) Unemployment Records (166-200-0085(10), (11)) — Minimum retention: 3 years.

(11) Wage and Tax Statements (166-200-0085(12)) — Minimum retention: 5 years.

(12) Withholding Allowance Certificates (166-200-0085(13)) — Minimum retention: 5 years after superseded or employee separation.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0300

Permitting, Licensing and Certifying

Permitting, Licensing and Certifying is responsible for the application, administration and oversight of permissions granted to or by the city.

(1) Building Permit Applications (166-200-0025(5)) — Minimum retention:

(a) If permit issued, retain 2 years;

ADMINISTRATIVE RULES

- (b) If no permit issued, retain 180 days.
- (2) Building Permits (166-200-0025(6)) — Minimum retention:
 - (a) Permits for completed structures, retain for the life of the structure;
 - (b) Demolition permits, retain 10 years after demolition;
 - (c) All other permits, retain 2 years after revoked or expired.
- (3) Concealed Weapons Permits (166-200-0100(12)) — Minimum retention:
 - (a) Denied applications and list of permits issued, retain 5 years;
 - (b) All other records, retain 2 years.
- (4) Flood Plain Permit (166-200-0095(5)) — Minimum retention:
 - (a) Permits and elevation certificates, retain 10 years after the life of structure or until area determined not to be a flood plain, whichever is longer;
 - (b) All other records, retain 10 years.
- (5) Industrial Pretreatment Permits (166-200-0120(4)) — Minimum retention:
 - (a) Permits, addenda, and modifications, retain permanently;
 - (b) All other records, retain 5 years after expiration or revocation.
- (6) Liquor License Records (166-200-0135(12)) — Minimum retention: 2 years after approval or denial.
- (7) National Pollution Discharge Elimination System Permits (166-200-0120(6)) — Minimum retention:
 - (a) Permit, addenda, and modifications, retain permanently;
 - (b) All other records, retain 5 years after expiration or revocation.
- (8) Permit and License Records, City Issued* (166-200-0055(1), (2), (3), (6); 166-200-0080(3); 166-200-0100(2)) — Minimum retention: 3 years after expiration.
- (9) Right-of-Way Permit Records (166-200-0105(8)) — Minimum retention:
 - (a) Construction related records, retain 10 years after substantial completion [as defined by ORS 12.135(3)] of project;
 - (b) All other records, retain 2 years after expiration, revocation, or discontinuance of use.
- (10) Temporary Access/Construction Easement Records (166-200-0120(20)) — Minimum retention: 2 years after easement expires.
- (11) Temporary Use Records (166-200-0095(22)) — Minimum retention: 5 years after permit expiration.
- (12) Vehicle Title and Registration Records (166-200-0135(19)) — Minimum retention:
 - (a) Titles, retain until vehicle is sold or disposed of;
 - (b) Registration records, retain until superseded or disposition of vehicle.
- (13) Water Pollution Control Facilities (WPCF) Permit Records (166-200-0120(13)) — Minimum retention:
 - (a) Permit, addenda and modifications, retain permanently;
 - (b) All other records, retain 5 years after expiration or revocation.
- (14) Wetlands Removal and Fill Permits (166-200-0105(11)) — Minimum retention: 30 years.
Stat. Auth.: ORS 192 & 357
Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895
Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0305

Personnel — Administration

Personnel provides advice and assistance in the interpretation and application of state and federal personnel laws, policies and procedures. Personnel is also responsible for the overall management of employees and volunteers of the city. Administration is responsible for the oversight of employees and the policies used to ensure compliance with state, federal and local employment practices.

- (1) Affirmative Action Records (166-200-0090(1)) — Minimum Retention:
 - (a) Plans, updates and policy statements retain permanently;
 - (b) All other records retain 3 years.
- (2) Comparable Worth Records (166-200-0090(4)) — Minimum retention:
 - (a) Final study or report, retain permanently;
 - (b) All other records retain 5 years.
- (3) Criminal Background Check Records (166-200-0090(5)) — Minimum retention:
 - (a) Background check log retain until superseded or obsolete;
 - (b) All other records retain 90 days.
- (4) Disciplinary Action Records (166-200-0090(6)) — Minimum retention:

- (a) Investigations resulting in disciplinary action or exoneration retain 3 years after resolution;
- (b) Investigations resulting in termination retain 10 years after employee separation.
- (5) Employee Personnel Records (166-200-0090(10)) — Minimum retention: retain 6 years after separation.
- (6) Employee Recognition/Wellness Program Records (166-200-0090(11)) — Minimum retention: 6 years.
- (7) Employee Suggestion Award Records (166-200-0090(12)) — Minimum retention: retain 2 years.
- (8) Employment Eligibility Verification Forms (I-9) (166-200-0090(13)) — Minimum retention: 3 years after date of hire or 1 year after employee separation, whichever is longer.
- (9) Equal Employment Opportunity (EEO) Compliance Records (166-200-0090(15)) — Minimum retention: 3 years.
- (10) Grievance and Complaint Records (166-200-0090(17); (166-200-0090(14)) — Minimum retention: 3 years after final decision issued.
- (11) Photo Identification Records (166-200-0090(19)) — Minimum retention: Retain until updated or employee separates.
- (12) Recruitment and Selection Records (166-200-0090(21)) — Minimum retention: retain 3 years after position filled or recruitment canceled.
- (13) Unsolicited Employment Applications and Resumes (166-200-0090(21)) — Minimum retention: retain 3 months if not returned to the solicitor.
- (14) Volunteer Program Records (166-200-0090(23)) — Minimum retention: 4 years.
- (15) Volunteer Worker Records (166-200-0090(24)) — Minimum retention: 4 years after separation.
- (16) Wellness Program Records — Minimum retention: 2 years
Stat. Auth.: ORS 192 & 357
Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895
Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0310

Personnel — Compensation and Classification

Personnel provides advice and assistance in the interpretation and application of state and federal personnel laws, policies and procedures. Personnel is also responsible for the overall management of employees and volunteers of the city. Compensation and Classification documents the process of ensuring that employees are fairly classified and compensated according to city, state and federal rules and policies.

- (1) Employee Benefits Records (166-200-0090(2), (8)) — Minimum retention:
 - (a) Year end leave balance reports and official copy of retirement enrollment records, retain 75 years after date of hire;
 - (b) All other records retain 3 years after employee separation or eligibility expired.
- (2) Position Description, Classification, and Compensation Records (166-200-0090(20)) — Minimum retention: 3 years after updated or position abolished.
Stat. Auth.: ORS 192 & 357
Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895
Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0315

Personnel — Medical

Personnel provides advice and assistance in the interpretation and application of state and federal personnel laws, policies and procedures. Personnel is also responsible for the overall management of employees and volunteers of the city. Medical is responsible for managing all individual employees medical records, including those relating to injuries and illnesses that may be job related and for monitoring employees' exposure to hazardous substances in a confidential and secure manner.

- NOTE:** These records must be kept physically separate from the employee personnel files
- (1) Drug Testing Records (166-200-0090(7)) — Minimum retention:
 - (a) Positive drug tests retain 5 years;
 - (b) Negative drug tests retain 1 year.
- (2) Employee Hazard Exposure Records (166-200-0090(9)(a)) — Minimum retention: 30 years after separation.
- (3) Employee Medical Records (166-200-0090(9)(b)) — Minimum retention: retain 6 years after separation.
Stat. Auth.: ORS 192 & 357
Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895
Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

ADMINISTRATIVE RULES

166-200-0320

Planning and Development

Planning and Development documents the city's objectives and the means for obtaining them.

(1) Comprehensive Plan Records (166-200-0095(1)) — Minimum retention: Permanent.

(2) Conditional Use Records (166-200-0095(2)) — Minimum retention: 10 years after expiration, revocation, or discontinuance of use.

(3) Design and Development Review Records (166-200-0095(3)) — Minimum retention:

(a) Minutes, agendas, resolutions, indexes, and exhibits (not retained permanently elsewhere in city records), retain permanently;

(b) Audio or visual recording, retain 1 year after minutes prepared and approved;

(c) Exhibits not pertinent to minutes, retain 5 years;

(d) If no permit issued, retain 180 days;

(e) If permit issued, but structure not started or completed, retain 2 years;

(f) All other records if permit issued and structure completed, retain 2 years after substantial completion [as defined by ORS 12.135(3)].

(4) Enterprise Zone Records (166-200-0095(4)) — Minimum retention:

(a) Reports summarizing results or activities, retain permanently;

(b) All other records, retain 4 years after zone designation expires.

(5) Historic Structures Rehabilitation Project Reviews (166-200-0095(8)) — Minimum retention: 3 years after project closed.

(6) Housing Authority Individual Tenant History Records (166-200-0095(11)) — Minimum retention: 5 years after separation from program.

(7) Housing Authority Program Management Records (166-200-0095(12)) — Minimum retention: 3 years after annual or final expenditure report submitted.

(8) Housing Authority Property Management Records (166-200-0095(13)) — Minimum retention: 6 years after expiration.

(9) Housing Authority Rejected Assistance Application Records (166-200-0095(14)) — Minimum retention: 3 years.

(10) Master Plans ((166-200-0105(6)) — Minimum retention: Permanent.

(11) Sewage Sludge Management Plans (166-200-0120(10)) — Minimum retention: Permanent.

(12) Sign Review Records (166-200-0095(20)) — Minimum retention: Life of the structure.

(13) Strategic Plans — Minimum retention: 10 years.

(14) Subdivision and Partition Records (166-200-0095(18), (21)) — Minimum retention:

(a) If approved and city conditions met, retain permanently;

(b) If not approved, retain 10 years after expiration or revocation;

(c) Withdrawal request letters, retain 3 years;

(d) Withdrawn applications, retain 180 days if not returned to applicant at time of withdrawal.

(15) Urban Renewal Project Records (166-200-0095(25)) — Minimum retention: 25 years after district sunsets.

(16) Variance and Exception Records (166-200-0095(26); 166-200-0125(7)) — Minimum retention: 10 years after life of structure or expiration, revocation, or discontinuance of use.

(17) Wetlands Conservation Planning Records ((166-200-0105(10)) — Minimum retention: Permanent.

(18) Withdrawn Land Use Application Records (166-200-0095(26)) — Minimum retention: 180 days if not returned to applicant at time of withdrawal.

(19) Zone Change Records (166-200-0095(28)) — Minimum retention:

(a) Applications, findings of fact, and decision documents, retain permanently;

(b) All other records, retain 10 years after approval or denial.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0325

Policy

Policy documents the development of city plans, policies, legislation and rules and coordinates communication to staff regarding policy efforts and decisions.

(1) Disaster Preparedness Planning and Recovery Records (166-200-0030(3)) — Minimum retention: Until superseded or obsolete.

(2) Emergency Operations and Management Plans (166-200-0030(13)) — Minimum retention:

(a) Adopted plans, retain until superseded or obsolete;

(b) All other records, retain 3 years after annual or final expenditure report submitted.

(3) Equal Employment Opportunity Policy Records (166-200-0090(16)) — Minimum retention:

(a) Plans, updates and policy statements, retain permanently;

(b) All other records, retain 3 years retain permanently.

(4) Housing Authority Bylaws, Rules, and Policies (166-200-0095(9)) — Minimum retention: Permanent.

(5) Neighborhood/Citizen Association Charters and Bylaws (166-200-0095(16)) — Minimum retention: Permanent.

(6) Policy and Procedure Manuals (166-200-0135(15)) — Minimum retention: 2 years after superseded or obsolete.

(7) Policy Statements and Directives (166-200-0135(16)) — Minimum retention: Permanent.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0330

Professional Development

Professional Development is responsible for providing or sponsoring training and training opportunities for city employees, employees of other agencies and the general public.

(1) Class Enrollment and Attendance Records ((166-200-0010(32); 166-200-0030(10); 166-200-0090(22); 166-200-0100(15)) — Minimum retention: 2 years.

(2) Employee Training Program Records (166-200-0090(22)) — Minimum retention:

(a) Significant program records, retain 5 years;

(b) All other records, retain 2 years.

(3) Professional Membership Records (166-200-0010(24)) — Minimum retention: 3 years.

(4) Program Accreditation Records (166-200-0010(25)) — Minimum retention: Retain current and one previous accreditation cycle, destroy.

(5) Seminar and Conference Records (166-200-0010(32), (33)) — Minimum retention: 3 years.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0335

Property Management — Hazardous Materials

Property Management is responsible for the inventory, general maintenance and disposition of agency properties. Hazardous Materials document the monitoring and reporting on the uses of hazardous substances and applications on city owned or leased property.

(1) Chemical Application Records (166-200-0080(1)) — Minimum retention: 3 years after application.

(2) Grass and Weed Control Records (166-200-0055(15)) — Minimum retention: 3 years after last action or final payment.

(3) Hazard Analysis Records (166-200-0030(14)) — Minimum retention: Until superseded or obsolete.

(4) Hazard Shelter Records (166-200-0030(15)) — Minimum retention: Until superseded or obsolete.

(5) Hazardous Material Emergency Incident Records (166-200-0055(16)) — Minimum retention: Permanent.

(6) Hazardous Substance Employer Survey Summaries (166-200-0055(17)) — Minimum retention: 3 years after superseded or obsolete.

(7) Regulated Substances Storage and Use Records (166-200-0110(19)) — Minimum retention:

(a) Records related to underground storage tanks, retain 25 years after tank removed;

(b) Records related to above ground storage tanks, retain 5 years.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0340

Property Management — Inventory

Property Management is responsible for the inventory, general maintenance and disposition of agency properties. Inventory is the process of documenting and tracking actual property owned by the city.

(1) Capitalized Assets Inventory Records* (166-200-0050(18)(a)) — Minimum retention: retain 3 years after disposal or replacement of asset.

ADMINISTRATIVE RULES

(2) Cemetery Records* (166-200-0010(4)) — Minimum retention: Permanent.

(3) Expendable Property Records (166-200-0050(18)(b)) — Minimum retention: retain 3 years or until superseded, whichever is longer.

(4) Historic Structures Inventory Records (166-200-0095(7)) — Minimum retention: Until superseded or obsolete.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0345

Property Management — Maintenance and Disposition

Property Management is responsible for the inventory, general maintenance and disposition of agency properties. Maintenance and Disposition documents the maintenance and disposition of equipment and property owned by the city.

(1) Backflow Prevention Device Test Records (166-200-0110(1)) — Minimum retention: 10 years.

(2) Bridge and Culvert Maintenance and Repair Records (166-200-0110(2)) — Minimum retention:

(a) Records with engineering stamps documenting structural maintenance or repairs, retain 2 years after bridge or culvert permanently removed from service;

(b) All other records, retain 2 years.

(3) Bridge Inspection Records (166-200-0105(2)) — Minimum retention: 2 years after bridge removed from service.

(4) Computer System Maintenance Records (166-200-0060(1)) — Minimum retention:

(a) Records related to system or component repair or service, retain for the life of the system or component;

(b) Records related to regular or essential records backups, retain 1 year after superseded or obsolete.

(5) Equipment Calibration Records (166-200-0110(25); 166-200-0120(3); 166-200-0125(2)) — Minimum retention: Life of the equipment.

(6) Equipment Issued Records (166-200-0100(23)) — Minimum retention: Until superseded or obsolete.

(7) Equipment Maintenance and Repair Records (166-200-0010(37); 166-200-0110 (7), (21), (24); 166-200-0120(3); 166-200-0125(2)) — Minimum retention: 3 years after disposition of equipment.

(8) Facilities and Grounds Inspection Records (166-200-0080(2), (7)) — Minimum retention: 2 years.

(9) Facilities and Grounds Maintenance and Repair Records (166-200-0080(7); 166-200-0110(3)) — Minimum retention:

(a) Records requiring engineering stamps, retain 2 years after life of structure;

(b) All other records, retain 2 years.

(10) Hydrant Records (166-200-0110(10)) — Minimum retention:

(a) Retain location and specification records until hydrant permanently removed from service;

(b) Retain maintenance, test and repair records 2 years.

(11) Maintenance Request/Complaint Records (166-200-0110(11)) — Minimum retention: 2 years after last action.

(12) Property Disposition Records (166-200-0050(21)) — Minimum retention: 3 years after disposition of property.

(13) Radar Equipment Certification and Maintenance Records (166-200-0100(60)) — Minimum retention: 2 years after disposition of equipment.

(14) Sewer and Storm Drainage Maintenance and Repair Records (166-200-0110(13)) — Minimum retention:

(a) Records requiring engineering stamps, retain 2 years after life of structure;

(b) All other records, retain 2 years.

(15) Sewer Smoke Test Records (166-200-0110(14)) — Minimum retention: 10 years.

(16) Sewer Television/Videoscan Inspection Records (166-200-0110(15)) — Minimum retention:

(a) Written reports, retain 1 year after the life of the sewer line;

(b) Videotapes, retain 1 year after written report submitted.

(17) Street and Road Condition Inventory Records (166-200-0110(16)) — Minimum retention: 5 years after annual audit report issued.

(18) Street Maintenance and Repair Records (166-200-0110(17)) — Minimum retention:

(a) Records requiring engineering stamps, retain 10 years after substantial completion;

(b) All other records, retain 2 years.

(19) Street Surface Maintenance Records (166-200-0110(18)) — Minimum retention: 3 years after annual audit report issued.

(20) Streetlight Inventory Records (166-200-0115(7)) — Minimum retention: Until superseded or obsolete

(21) Streetlight Maintenance and Repair Records (166-200-0110(19)) — Minimum retention: 3 years after annual audit report issued.

(22) Technical Manuals, Specifications, and Warranties* (166-200-0010(36)) — Minimum retention:

(a) Manuals, retain until disposition of vehicle or equipment;

(b) Warranties, retain until expiration.

(23) Traffic Control Equipment Maintenance and Repair Records (166-200-0110(21)) — Minimum retention:

(a) Traffic signal records, retain 2 years after equipment permanently removed from service;

(b) Traffic sign records, retain 2 years.

(24) Utility Meter Installation, Maintenance, and Repair Records (166-200-0110(24)) — Minimum retention: 5 years.

(25) Valve Maintenance Records (166-200-0110(26)) — Minimum retention:

(a) Location and specification records, retain until valve permanently removed from service;

(b) Maintenance and repair records, retain 2 years.

(26) Water Line Maintenance and Repair Records (166-200-0110(27)) — Minimum retention:

(a) Records requiring an engineering stamp, retain 2 years after water line permanently removed from service;

(b) All other records, retain 2 years.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0350

Public Safety

Public Safety documents the responsibilities for law and code enforcement, fire services, emergency management and jail services.

(1) 9-1-1 Data Management System Records (166-200-0145(2)) — Minimum retention: Until superseded or obsolete.

(2) 9-1-1 Operational Logs (166-200-0145(7)) — Minimum retention: 1 year.

(3) 9-1-1 System Error/Malfunction Records (166-200-0145(11)) — Minimum retention: 2 years.

(4) Alarm Records (166-200-0100(2)) — Minimum retention:

(a) Alarm licensing and permit records, retain 3 years after expiration;

(b) All other records, retain 2 years.

(5) Alert and Notification Records (166-200-0030(1)) — Minimum retention: 30 days.

(6) Animal Control Records (166-200-0100(3)) — Minimum retention:

(a) Dog licenses, retain 3 years after expiration;

(b) Other records, retain 2 years.

(7) Arrest Warrant Log Records (166-200-0100(4)) — Minimum retention: Until superseded or obsolete.

(8) Arrest Warrant Records (166-200-0100(5)) — Minimum retention: Until served, recalled or cancelled by the court.

(9) Block Home Program Records (166-200-0100(6)) — Minimum retention:

(a) Approved application records, retain 2 years after withdrawal from program;

(b) Denied application records, retain 2 years.

(10) Booking Records (166-200-0100(7)) — Minimum retention:

(a) Homicides, retain 20 years;

(b) Felonies, retain 10 years;

(c) Misdemeanors, retain 5 years.

(11) Briefing Records (166-200-0145(1)) — Minimum retention: 7 days.

(12) Bulletins From Other Agencies (166-200-0100(8)) — Minimum retention: Until superseded or obsolete.

(13) Civil Preparedness Guidance (CPG) and State and Local Guide (SLG) Records (166-200-0030(2)) — Minimum retention: Until superseded or obsolete.

(14) Community Policing and Problem Solving Records (166-200-0100(9)) — Minimum retention:

(a) Agreements, retain 6 years after expiration;

(b) All other records, retain 2 years.

(15) Computer Inquiry Records (166-200-0100(10)) — Minimum retention: Until superseded or obsolete.

ADMINISTRATIVE RULES

(16) Computer Validation Records (166-200-0100(11)) — Minimum retention: 5 years or until audited by NCIC or other applicable law enforcement network, whichever is shorter.

(17) Controlled Substance Inventory and Tracking Records (166-200-0055(4)) — Minimum retention: 3 years, or until superseded, whichever is longer.

(18) Crime Analysis Records (166-200-0100(13)) — Minimum retention:

- (a) Major crime analyses or studies, retain 10 years;
- (b) All other records, retain 1 year.

(19) Crime Prevention Community Organization Records (166-200-0100(14)) — Minimum retention: Until superseded or obsolete.

(20) Crime Prevention Program Records (166-200-0100(15)) — Minimum retention:

- (a) Significant program records, retain 5 years;
- (b) Class enrollment and attendance records, retain 2 years;
- (c) All other records, retain 1 year.

(21) Crime Prevention Security Survey Records (166-200-0100(16)) — Minimum retention: 2 years.

(22) Crime Prevention Vacation House Inspection Records (166-200-0100(17)) — Minimum retention: 30 days after inspections end.

(23) Criminal Arrest History Records (166-200-0100(18)) — Minimum retention:

- (a) Homicides, retain 20 years;
- (b) felonies, retain 10 years;
- (c) Misdemeanors, retain 5 years.

(24) Criminal History Dissemination Records (166-200-0100(19)) — Minimum retention: Until case completed or suspended.

(25) Criminal Intelligence Records (166-200-0100(20)) — Minimum retention:

- (a) “Permanent files” as defined by OAR 137-090-0080, retain 5 years;
- (b) “Temporary files” as defined by OAR 137-090-0080, retain 1 year;
- (c) “Working files” as defined by OAR 137-090-0080, retain 30 working days.

(26) Detoxification Confinement Logs (166-200-0100(21)) — Minimum retention: 2 years.

(27) Dispatch Incident Records (166-200-0145(3)) — Minimum retention: 2 years.

(28) Emergency and Disaster Incident Records* (166-200-0010(8)) — Minimum retention: Permanent.

(29) Emergency Exercise Records (166-200-0030(4)) — Minimum retention: 3 years after annual or final expenditure report submitted.

(30) Emergency Management Assistance Staff Pattern Records (166-200-0030(8)) — Minimum retention: 3 years after annual or final expenditure report submitted.

(31) Emergency Management Resource Lists (166-200-0030(12)) — Minimum retention: Until superseded or obsolete.

(32) Emergency Medical Incident Records (166-200-0055(5)) — Minimum retention: 10 years.

(33) Emergency Telephone Calls Continuous Audio Tapes (166-200-0100(22); 166-200-0145(5)) — Minimum retention: 7 months Note: Specific recordings of incidents may warrant longer retention for legal reasons.

(34) Enhanced 9-1-1 Service Plans (166-200-0145(4)) — Minimum retention:

- (a) Approved plans and amendments, retain 5 years after superseded;
- (b) Preliminary plans, drafts, worksheets and supporting materials, retain until plan approved by Oregon Emergency Management.

(35) Expunged or Sealed Records, Police (166-200-0100(24)) — Minimum retention:

- (a) Dispose of expunged records according to the directive of the court;
- (b) Expungement orders, retain 10 years or according to the directive of the court;
- (c) Sealed records, retain 10 years or according to the directive of the court.

(36) Fingerprint Cards (166-200-0100(26)) — SEE ALSO Latent Fingerprint Cards in this section — Minimum retention:

- (a) Homicides, retain 20 years;
- (b) Felonies, retain 10 years;
- (c) Misdemeanors, retain 5 years;
- (d) Retain other cards until superseded or obsolete.

(37) Fire and Emergency Medical Services Maps (166-200-0055(8)) — Minimum retention: Until superseded or obsolete.

(38) Fire and Security Alarm System Records (166-200-0055(12)) — Minimum retention: Retain 2 years.

(39) Fire Investigation Records (166-200-0055(13)) — Minimum retention:

- (a) Records documenting fires involving loss of life, retain 75 years;
- (b) Other records, retain 10 years.

(40) Incident Case File Indexes (166-200-0100(29)) — Minimum retention: Until superseded or obsolete.

(41) Incident Case Files (166-200-0100(30)) — Minimum retention:
(a) Cases involving crimes with no statute of limitations, retain 75 years after case closed;

(b) Protective custody files, retain until minor’s age of majority or emancipation;

- (c) All other cases, retain until statute of limitations expires.

(42) Informant Case Files (166-200-0100(31)) — Minimum retention: Until superseded or obsolete.

(43) Inmate Accountability Records (166-200-0100(32)) — Minimum retention: 1 year.

(44) Inmate Case File Indexes (166-200-0100(33)) — Minimum retention: Until superseded or obsolete.

(45) Inmate Case Files (166-200-0100(34)) — Minimum retention: 5 years.

(46) Inmate Meal Records (166-200-0100(35)) — Minimum retention: 6 months.

(47) Inmate Medical Records (166-200-0100(36)) — Minimum retention: 7 years.

(48) Inmate Telephone and Mail Logs (166-200-0100(38)) — Minimum retention: 1 year.

(49) Impounded and Abandoned Vehicle Records (166-200-0100(28)) — Minimum retention: Retain records not included in Incident Case File, 2 years after disposition of vehicle.

(50) Inspection and Occupancy Records (166-200-0055(18)) — Minimum retention: Retain current and previous inspection reports or 10 years, whichever is longer.

(51) Internal Investigations Case Files (166-200-0100(40)) — Minimum retention:

(a) Investigations resulting in termination, retain 10 years after employee separation;

(b) Investigations resulting in disciplinary action or exoneration, retain 3 years after resolution;

- (c) Unfounded investigations, retain 3 years.

(52) Juvenile Offender/Victim Restitution Records (166-200-0100(41)) — Minimum retention: 5 years after last action, or youth reaches age of majority, whichever is longer.

(53) Juvenile Temporary Custody Records (166-200-0100(42)) — Minimum retention: 3 years.

(54) Latent Fingerprint Cards (166-200-0100(43)) — SEE ALSO Fingerprint Cards in this section — Minimum retention:

(a) Cases involving crimes with no statute of limitations, retain 75 years after case closed;

- (b) All other cases, retain 1 year after statute of limitations expires.

(55) Lost and Found Property Records (166-200-0100(45)) — Minimum retention: 2 years after disposition.

(56) Maps, Police (166-200-0100(46)) — Minimum retention: Until superseded or obsolete.

- (57) Master 24 Hour Audio Tapes — Minimum retention: 7 months.

(58) Master Name Index Records (166-200-0100(47)) — Minimum retention: Until superseded or obsolete.

(59) Master Street Address Guide (MSAG) Maintenance Forms (166-200-0145(6)) — Minimum retention: 2 years.

(60) Mug Shots (166-200-0100(48)) — Minimum retention:

- (a) Retain homicides 20 years;
- (b) Retain felonies 10 years;
- (c) Retain misdemeanors 5 years.

(61) Neighborhood Dispute Resolution Records (166-200-0100(49)) — Minimum retention:

- (a) Case records, retain 5 years after last action;
- (b) All other records, retain 2 years.

(62) Officer Notes (166-200-0100(50)) — Minimum retention: 2 years.

(63) Officer Weapon Registration Records (166-200-0100(51)) — Minimum retention: Until superseded or obsolete.

ADMINISTRATIVE RULES

(64) Patrol Car Video Files — (166-200-0100(52)) — Minimum retention:

- (a) Tapes used as evidence, retain until case reaches final disposition;
- (b) Tapes used for internal investigations, retain until investigation ends;

(c) All other tapes, retain 30 days.

(65) Pawn Broker and Second Hand Dealer Reports (166-200-0100(53)) — Minimum retention: 2 years.

(66) Peer Court Records (166-200-0100(54)) — Minimum retention:

(a) Case records, retain 5 years after final disposition of case, or youth reaches age of majority, whichever is longer;

(b) Participant guidelines and instructions, retain until superseded or obsolete;

(c) All other records, retain 2 years.

(67) Photo Radar Records (166-200-0100(55), (56)) — Minimum retention:

(a) Photo Radar Logs, retain 3 years;

(b) Photo radar citations issued, retain 2 years;

(c) Photo radar citations not issued, retain 30 days.

(68) Polygraph Records (166-200-0100(57)) — Minimum retention:

(a) Case involving crimes with no statute of limitations, retain 75 years after case closed;

(b) All other cases, retain 1 year after statute of limitations expires.

(69) Premise Information Records (166-200-0145(8)) — Minimum retention: 2 years, or until renewed, superseded, or expired, whichever is sooner.

(70) Property and Evidence Control and Disposition Records (166-200-0100(58)) — Minimum retention:

(a) Cases involving crimes with no statute of limitations, retain 75 years after case closed;

(b) All other cases, retain 1 year after statute of limitations expires.

(71) Property Registration Records (166-200-0100(59)) — Minimum retention: Until registration is expired, superseded, or obsolete.

(72) State Fire Marshal Exemption Records (166-200-0055(20)) — Minimum retention: 2 years after denial, revocation, or expiration of exemption.

(73) Teletype Messages (166-200-0100(61)) — Minimum retention: Retain messages not warranting inclusion in Incident Case Files [or other record series] 30 days.

(74) Towed Vehicle Records (166-200-0100(62)) — Minimum retention: 1 year.

(75) Traffic and Other Citation Logs (166-200-0100(63)) — Minimum retention: 1 year.

(76) Traffic and Other Citations (166-200-0100(64)) — Minimum retention: 3 years.

(77) Traffic Violation Warning Records (166-200-0100(65)) — Minimum retention: 1 year.

(78) Used Firearm Transfer Records (166-200-0100(66)) — Minimum retention: 1 year.

(79) Youth Prevention and Intervention Records (166-200-0055(21)) — Minimum retention:

(a) Until court ordered expunction (ORS 419A.262);

(b) If case is not expunged: 5 years after last action, or youth reaches age of majority, whichever is longer.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0355

Public Works — Engineering

Public Works is responsible for the management of the city's infrastructure. Engineering documents the technical specifications necessary to complete certain functions within city government.

(1) Aerial Photographs (166-200-0105(1)) — Minimum retention: Permanent.

(2) City Benchmark Records (166-200-0105(1)) — Minimum retention: Permanent.

(3) Engineering Project Technical Records (166-200-0105(4)) — For appraisal assistance, contact the Oregon State Archives. — Minimum retention:

(a) Records of project cost, retain 3 years after disposal or replacement of facility, structure, or system;

(b) All other records, retain 10 years after substantial completion [as defined by ORS 12.135(3)].

(4) Maps, Plans, and Drawings, City Created (166-200-0105(5)) — Minimum retention: retain permanently.

(5) Survey Field Records (166-200-0105(9)) — Minimum retention:

(a) General surveys and right-of-way location records, retain permanently;

(b) All other construction records, retain 10 years after substantial completion [as defined by ORS 12.135(3)] of project;

(c) For retention of law enforcement surveys, see Incident Case Files in the Police section.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0360

Public Works — Operations

Public Works is responsible for the management of the city's infrastructure. Operations document the day to day management of the city's infrastructure.

(1) Cross Connection Control Survey Records (166-200-0110(4)) — Minimum retention: 1 year after disconnection or 10 years, whichever is longer.

(2) Discharge Monitoring Records (166-200-0120(2)) — Minimum retention:

(a) Reports, retain permanently;

(b) All other records, retain 5 years.

(3) Fuel Records (166-200-0110(9)) — Minimum retention: 2 years.

(4) Strip and Circle Chart Records (166-200-0120(11); 166-200-0125(6)) — Minimum retention: 3 years.

(5) Utility Installation and Connection (166-200-0110(22)) — Minimum retention: 2 years after physical disconnection.

(6) Utility Line Location Request Records (166-200-0110(23)) — Minimum retention: 2 years.

(7) Wastewater Treatment Operations Records (166-200-0120(12)) — Minimum retention:

(a) Annual reports, retain permanently;

(b) All Other records, retain 5 years.

(8) Water Treatment Operations Records (166-200-0125(12)) — Minimum retention:

(a) Annual reports, retain permanently;

(b) All other records, retain 5 years.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0365

Public Works — Traffic Engineering

Public Works is responsible for the management of the city's infrastructure. Traffic Engineering documents the technical specifications necessary to manage the flow of city traffic.

(1) Crosswalk Records (166-200-0115(2)) — Minimum retention: 2 years after superseded or obsolete.

(2) Railroad Crossing Records (166-200-0115(3)) — Minimum retention: Permanent.

(3) Special Event Traffic Records (166-200-0115(4)) — Minimum retention: 2 years after event.

(4) Speed Zone Records (166-200-0115(5)) — Minimum retention: 2 years after superseded or obsolete.

(5) Street Banner Records (166-200-0115(6)) — Minimum retention: 2 years.

(6) Streetlight Request and Survey Records (166-200-0115(8)) — Minimum retention: 2 years after last action.

(7) Traffic Accident Analysis Records (166-200-0115(9)) — Minimum retention:

(a) Reports and summaries, retain 10 years;

(b) All other records, retain 5 years.

(8) Traffic Control Equipment Inventory Records (166-200-0115(10)) — Minimum retention: 2 years after superseded or obsolete.

(9) Traffic Research and Study Records (166-200-0115(11)) — Minimum retention:

(a) Reports and summaries, retain 10 years;

(b) All other records, retain until information is summarized or obsolete.

(10) Transit System Records (166-200-0115(12)) — Minimum retention:

(a) Review records, retain 2 years after denied or approved and stop or crossing removed;

(b) Transit system maps, retain until superseded or obsolete.

(11) Truck Route Records (166-200-0115(14)) — Minimum retention: 2 years after superseded or obsolete.

ADMINISTRATIVE RULES

Stat. Auth.: ORS 192 & 357
Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895
Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0370

Public Works — Wastewater and Water Treatment

Public Works is responsible for the management of the city's infrastructure. Wastewater Treatment documents the management of wastewater and water treatment activities to ensure all rules, laws and codes are being followed.

(1) Annual Inspection Records (166-200-0120(1)) — Minimum retention:

- (a) Reports, retain permanently;
- (b) All other records, retain 5 years.

(2) Mobile Waste Hauler Dumping Records (166-200-0120(5)) — Minimum retention: 5 years.

(3) Non-Compliance Corrective Action Records (166-200-0125(3)) — Minimum retention: 3 years after last action.

(4) Public Facilities Grease Trap Inspection Records (166-200-0120(7)) — Minimum retention:

- (a) 1 year after date of inspection;
- (b) Closed facilities, retain 2 years after closure.

(5) Sanitary Survey Records (166-200-0125(4)) — Minimum retention:

- (a) Reports, retain permanently;
- (b) All other records, retain 5 years.

(6) Sewage Sludge Records (166-200-0120(9), (10)) — Minimum retention: Permanent.

(7) Water Quality Complaint Records (166-200-0125(11)) — Minimum retention: 3 years after last action.

Stat. Auth.: ORS 192 & 357
Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895
Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0375

Recorder — Elections

Recorder is responsible for the care and management of all city records. Elections documents the administration of city elections and that process is conducted in a manner that complies with all state and federal elections laws.

(1) Abstract of Votes (Record of Elections) (166-200-0130(1)) — Minimum retention: Permanent.

(2) Election Filings (166-200-0130(3)) — Minimum retention: 4 years.

(3) Election Preparation Records (166-200-0130(4)) — Minimum retention: 2 years.

(4) Help America Vote Act Identification Records (166-200-0130(5)) — Minimum retention: Until verified by county elections official.

(5) Initiative, Referendum, and Recall Records (166-200-0130(6)) — Minimum retention:

(a) Signature verification records, retain 6 years;

(b) Signature sheets including verification, if measure approved, retain 6 years after election;

(c) Signature sheets, if measure not approved, retain 90 days after election or 90 days after deadline for sufficient signatures; (d) Petitions qualified to ballot, retain permanently;

(e) Petitions not qualified to ballot, retain 6 years.

(6) Legal Notices and Publications (166-200-0130(7)) — Minimum retention:

- (a) One copy of city voters' pamphlet, retain permanently;
- (b) All other records, retain 4 years.

(7) Poll Books (166-200-0130(8)) — Minimum retention: Records created prior to 1931, retain permanently.

Stat. Auth.: ORS 192 & 357
Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895
Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0380

Recorder — General

Recorder is responsible for the care and management of all city records. General documents the management and care of the city's public records.

(1) Annexation Records (166-200-0135(1)) — Minimum retention: Permanent.

(2) City Charter (166-200-0135(2)) — Minimum retention: Permanent.

(3) City Code (166-200-0135(3)) — Minimum retention: Permanent.

(4) Council Resolutions (166-200-0135(6)) — Minimum retention: Permanent.

(5) Deeds to City-Owned Land (166-200-0135(7)) — Minimum retention:

(a) Record of sale or property transfer and legal property description, retain permanently;

(b) All other records, retain until property sold and any applicable audits have been completed.

(6) Easements (166-200-0135(8)) — Minimum retention: Permanent.

(7) Index/Finding Aid Records (166-200-0010(10)) — Minimum retention: Until superseded or obsolete.

(8) Filing System Records (166-200-0060(5)) — Minimum retention: 5 years after superseded or abolished.

(9) Forms Development Records (166-200-0060(6)) — Minimum retention: Until superseded or obsolete.

(10) Microfilm Quality Control Records (166-200-0060(9)) — Minimum retention: Same as related microfilm.

(11) Oaths of Office (166-200-0135(13)) — Minimum retention: 6 years after most recent oath expired.

(12) Ordinances (166-200-0135(14)) — Minimum retention: Permanent.

(13) Property Dedication Records (166-200-0135(17)) — Minimum retention: Permanent.

(14) Property Vacation Records (166-200-0135(18)) — Minimum retention: Permanent.

(15) Records Management Records (166-200-0060(10)) — Minimum retention:

(a) Destruction records, retain 25 years;

(b) Other records, retain 5 years after superseded.

(16) Waivers of Remonstrance (166-200-0135(20)) — Minimum retention:

(a) If waiver has an expiration date, retain 6 years after expiration date;

(b) If waiver carries no expiration date, retain 6 years after completion of project.

Stat. Auth.: ORS 192 & 357
Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895
Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0385

Reporting

Reporting documents the communication to the city council, mayor and citizens on activities undertaken by city employees in relation to their job.

(1) Activity Reports — (166-200-0010(2); 166-200-0100(1)) Minimum retention: 2 years.

(2) Airport Activity Reports (166-200-0015(1)) — Minimum retention:

(a) Retain annual reports permanently;

(b) All other reports, retain 2 years.

(3) Airport Self-Inspection Reports (166-200-0015(5)) — Minimum retention:

(a) Reports documenting incidents, retain 2 years;

(b) Self-inspection reports, retain 1 year;

(c) Federal Aviation reports, retain 5 years;

(d) All other reports, retain 6 months.

(4) Annual Reports (166-200-0010(2)) — Minimum retention: Permanent.

(5) Building Activity Reports (166-200-0025(1)) — Minimum retention:

(a) Reports summarizing activities on an annual basis, retain permanently;

(b) All other reports, retain 2 years.

(6) Consumer Confidence Reports (166-200-0125(1)) — Minimum retention: 5 years.

(7) Emergency Management Assistance Activity Reports (166-200-0030(5)) — Minimum retention: 3 years after annual or final expenditure report submitted.

(8) Field Interrogation Reports (166-200-0100(25)) — Minimum retention: 1 year.

(9) Fire and Emergency Medical Services (EMS) Activity Reports (166-200-0055(7)) — Minimum retention:

(a) Reports summarizing activities on an annual basis, retain permanently;

(b) Other reports, retain 2 years.

ADMINISTRATIVE RULES

(10) Fire Reports (166-200-0055(14)) — Minimum retention: 10 years.

(11) Injury Reports, Public Use (166-200-0140(5)) — Minimum retention:

(a) If claim filed, see Liability Claims Records in this section for retention;

(b) If no claim filed, retain 3 years.

(12) Law Enforcement Activity Reports (166-200-0100(44)) — Minimum retention:

(a) Annual reports and monthly reports for years in which no annual report exists, retain permanently;

(b) Other reports, retain 2 years.

(13) Library Reports (166-200-0065(8)) — Minimum retention: retain 2 years.

(14) Navigational Facilities Maintenance and Operation Reports (166-200-0015(8)) — Minimum retention: 2 years after equipment permanently removed from service.

(15) Notice to Airmen (NOTAM) Reports (166-200-0015(10)) — Minimum retention: 1 year after notice removed.

(16) Oregon State Library Annual Reports (166-200-0065(108)) — Minimum retention: Permanent.

(17) Pawn Broker and Second Hand Dealer Reports (166-200-0100(53)) — Minimum retention: 2 years.

(18) Quality Assurance Reports (166-200-0145(9)) — Minimum retention:

(a) Survey instruments, retain 2 years, or until summary report completed, whichever is sooner;

(b) All other records, retain 2 years.

(19) Secondary Contaminant Reports (166-200-0125(5)) — Minimum retention: 10 years.

(20) Statistical Reports (166-200-0145(10)) — Minimum retention:

(a) Data instruments used to compile statistics, retain until statistical report completed;

(b) Daily and weekly reports, retain until compiled into monthly reports;

(c) Monthly and quarterly reports, retain 1 year;

(d) Annual reports, retain 10 years.

(21) Urban Renewal Plans and Reports (166-200-0090(24)) — Minimum retention: Permanent.

(22) Water Bacteriological Quality Analysis Reports (166-200-0125(8)) — Minimum retention: 5 years.

(23) Water Chemical and Radiological Analysis Reports (166-200-0125(9)) — Minimum retention: 10 years.

(24) Water Consumption Reports (166-200-0125(10)) — Minimum retention:

(a) Annual reports, retain permanently;

(b) Information summarized in annual report, retain 1 year;

(c) Information not summarized in annual report, retain 10 years.

(25) Water Turbidity Reports (166-200-0125(13)) — Minimum retention: 10 years.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0390

Risk Management — Claims

Risk Management is responsible for the management of claims, insurance, risk factor analysis and development of safety programs for the city. Claims document the management and potential payout of liability and property claims covered by the city's Insurance Fund.

(1) City Vehicle Accident Records (166-200-0140(1)) — Minimum retention:

(a) If litigated see Civil Case Files in the Attorney section for retention;

(b) If not litigated, retain 3 years.

(2) Liability Claims Records (166-200-0140(7)) — Minimum retention:

(a) If action taken, retain 10 years after case closed, dismissed, or date of last action;

(b) If no action taken, retain 3 years.

(3) Liability Waivers (166-200-0140(8)) — Minimum retention: 3 years.

(4) Occupational Injury and Illness Records (166-200-0140(9)) — Minimum retention: 6 years.

(5) Property Damage Records (166-200-0140(10)) — Minimum retention:

(a) If litigated see Civil Case Files in the Attorney section for retention;

(b) If not litigated, retain 3 years after date of last action.

(6) Workers' Compensation Claim Records (166-200-0140(13)) — Minimum retention:

(a) For retention of records describing injuries and illnesses, see Employee Medical Records in the Personnel section;

(b) All other records, retain 6 years after claim closed or final action.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0395

Risk Management — Safety

Risk Management is responsible for the management of claims, insurance, risk factor analysis and development of safety programs for the city. Safety is responsible for developing city safety programs that are designed to educate employees on reducing risks from on the job injuries and making the workplace safer for city employees.

(1) Hazard Communications Program Records (166-200-0140(4)) — Minimum retention: 75 years after superseded or obsolete.

(2) Mitigation Program Records* — (166-200-0010(18)) — Minimum retention:

(a) Adopted plans,* retain permanently;

(b) Other records, retain for the life of the structure.

(3) Risk Survey and Inspection Records (166-200-0140(11)) — Minimum retention:

(a) Records documenting the formation or change of policy, retain permanently;

(b) All other records, retain 5 years.

(4) Safety Program Records (166-200-0140(12)) — Minimum retention:

(a) Safety policies, plans, and procedures, retain 5 years after superseded;

(b) Inspection reports, reports, evaluations, and recommendations, retain 10 years;

(c) Committee minutes, exhibits, and agendas, retain 3 years;

(d) All other records, retain 5 years.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0400

Scheduling

Scheduling documents the process used to assign and track city facilities use and employee activities.

(1) Activity and Room Scheduling and Reservation Records (166-200-0010(1)) — Minimum retention: 1 year.

(2) Work Schedules and Assignments (166-200-0010(40)) — Minimum retention: 2 years.

(3) Desk Calendars and Notes (166-200-0010(7)) — Minimum retention: 1 year.

(4) Docket/Trial Calendars (166-200-0075(8)) — Minimum retention: 90 days.

(5) Daily Work Records (166-200-0110(5)) — Minimum retention: 1 year.

(6) Routing and Job Control Records (166-200-0010(29)) — Minimum retention: 1 year.

(7) Work Orders (166-200-0010(39)) — Minimum retention:

(a) Work completed by city personnel, retain 1 year;

(b) Work completed by outside vendors, retain 3 years.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

166-200-0405

Security

Security documents the management of the agency's facilities, employees and visitors to ensure a secure environment.

(1) Airport Security Program Records (166-200-0015(4)) — Minimum retention:

(a) Program records described in 49 CFR 1542, retain permanently;

(b) All other records, retain 2 years after superseded or obsolete.

(2) Computer System Security Records (166-200-0060(3)) — Minimum retention: 3 years after superseded or obsolete.

(3) Key and Keycard Records* (166-200-0010(12)) — Minimum retention: 2 years after key is turned in.

ADMINISTRATIVE RULES

(4) Security Records (166-200-0010(31)) — Minimum retention: 2 years.

(5) Video Surveillance Tapes (166-200-0100(67)) — Minimum retention:

- (a) Tapes used as evidence, retain until case reaches final disposition;
- (b) Tapes used for internal investigations, retain until investigation ends;

(c) All other tapes, retain 30 days.

(6) Visitor Logs (166-200-0010 (38); 166-200-0100(39)) — Minimum retention: 1 year.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 2-2014, f. & cert. ef. 8-7-14

Teacher Standards and Practices Commission Chapter 584

Rule Caption: Makes amendments to International Visiting Teacher License rule.

Adm. Order No.: TSPC 4-2014(Temp)

Filed with Sec. of State: 8-5-2014

Certified to be Effective: 8-5-14 thru 2-1-15

Notice Publication Date:

Rules Amended: 584-060-0220

Subject: Aligns current rule with current statutes. Removes some requirements for licenses related to international visiting teachers.

Rules Coordinator: Victoria Chamberlain—(503) 378-6813

584-060-0220

International Visiting Teacher License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified and eligible applicant may be granted an International Visiting Teacher License. The intent of this license is to provide up to a three-year cultural exchange of teachers and teaching strategies between Oregon and a participating country other than the United States.

(2) This license is issued for one year and is renewable up to two times.

(3) This license is valid for substitute teaching only at the grade authorization levels and subject-matter endorsement areas listed on the license.

(4) The International Visiting Teacher License is restricted to use within the district that has applied for it jointly with the teacher and is valid for teaching with the requesting employer only at the designated grade authorization levels and subject-matter endorsement areas requested by the employer and listed on the license. If the license is endorsed in a core academic area, the licensee may be considered to be “highly qualified” pursuant to federal law.

(5) To be eligible for the International Visiting Teacher License, the applicant must have not previously held any TSPC license and must co-apply with the requesting district and submit the following materials as part of the application packet:

(a) Evidence that the teacher is not a resident of the United States and is working here under a J-1 Visa;

(b) A letter from the co-applying district specifying the grade levels and subject-matter endorsement areas in which the district would like the applicant to teach and a brief description of the plan for supervision and mentoring the district has in place including the name of the mentor assigned to the applicant once licensed;

(c) Transcript evaluation or some other convincing evidence that the applicant holds the equivalent of a U.S. baccalaureate or higher degree and proof that the applicant has completed a professional teacher preparation program in their country. The transcript and other evidence submitted will be evaluated for subject-matter competency in the subject-area in which the license is being requested;

(d) A copy of all professional teaching credentials from a country other than the United States held by the applicant;

(e)(A) Evidence that the applicant has completed the equivalent of three full years, (not less than 27 months) of teaching experience in the applicant’s native country; or

(B) Proof of participation in the Cultural Exchange Program in a J-1 Visa status monitored by the Oregon Department of Education. Proof of participation must include verification from the Oregon Department of Education; and

(f) Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission’s licensure application. (See also, OAR 584-036-0062 for Criminal Records Check Requirement.)

(6) To be eligible for a one-year renewal of the International Visiting Teaching License, an applicant must:

(a) Submit an application packet for renewal;

(b) A PEER form verifying the applicant’s assignment; and

(c) Submit a letter from the co-applying school district attesting to the following:

(A) That the teacher’s assignment will remain within the scope of grades and subjects on the license;

(B) The plan for supervision and mentoring remains in place and update the name of the mentor if appropriate.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.533

Hist.: TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10; TSPC 8-2010(Temp), f. & cert. ef. 10-4-10 thru 12-31-10; TSPC 10-2010, f. 12-30-10, cert. ef. 1-1-11; TSPC 3-2011, f. & cert. ef. 3-15-11; TSPC 9-2012, f. & cert. ef. 9-14-12; TSPC 3-2013, f. & cert. ef. 8-19-13; TSPC 4-2014(Temp), f. & cert. ef. 8-5-14 thru 2-1-15

Rule Caption: Adopts, amends and repeals rules associated with educator licensure, professional practices and preparation programs.

Adm. Order No.: TSPC 5-2014

Filed with Sec. of State: 8-5-2014

Certified to be Effective: 8-5-14

Notice Publication Date: 4-1-2014

Rules Adopted: 584-001-0016, 584-018-0011, 584-023-0030, 584-060-0501, 584-060-0525, 584-060-0530, 584-066-0020

Rules Amended: 584-017-1025, 584-018-0305, 584-023-0005, 584-036-0080, 584-050-0020, 584-050-0040, 584-060-0062, 584-060-0250, 584-070-0012, 584-070-0271, 584-080-0008, 584-080-0012, 584-100-0061, 584-100-0066, 584-100-0071

Rules Repealed: 584-001-0015, 584-036-0067, 584-060-0001, 584-060-0022

Subject: Adopts new rules for Professional Teaching and Distinguished Teaching Licenses.

Amends or repeals rules related to public record requests, consortiums, initial school counselor license, charter school registry for teacher and administrators, extensions of initial licenses, discipline on contract issues, mathematics instructional leader, purpose of teaching licenses, continuing teacher licenses, school counselor license, transitional school psychologist license, administrator licensure, and special education teachers.

Rules Coordinator: Victoria Chamberlain—(503) 378-6813

584-001-0016

Fees for Public Records and Related Services

(1) The Commission may establish fees for providing access to public records in paper, electronic or other format. These fees will be reasonably calculated to reimburse the Commission for costs of providing and conveying the public records. The Commission shall provide information in accordance with public records disclosure rules as established in Chapter 192 of the Oregon Revised Statutes.

NOTE: See ORS 283.110 regarding charges for providing records to state agencies.

(2) In establishing the fees for public records, the Commission will consider:

(a) Printing and duplicating costs;

(b) Staff time, including but not limited to, all time spent in retrieval, duplication and compilation of information, telephone time, typing, computer operation and mailing;

(c) Electronic Services, including but not limited to, programming, materials, and computer time; and

(d) Overhead, including but not limited to, bookkeeping and accounting, attorney fees as permitted under ORS 192.440, postage and mail services, equipment maintenance, central government services, and general service charges.

(3) The Commission may waive or reduce fees for public records upon written request if the Commission determines that making the record available primarily benefits the general public.

(4) Fees for copies and related services:

ADMINISTRATIVE RULES

- (a) Photocopies (single or double-sided): \$5 plus 20 cents per page (black and white) and \$5 plus 30 cents per page if requested in color;
- (b) Facsimile: \$5.00 1st page, \$1 per page thereafter;
- (c) Postage/Freight: First Class or Bulk rate based on weight;
- (d) Record Search Charges: In addition to photocopying or other duplication charges, the following staff time charges:

- (A) Clerical — \$20 per hour.
- (B) Administrative — \$40 per hour.
- (C) Executive — \$50 per hour.
- (e) Data Order Charges:
 - (A) Standard Licensee Data Order — \$150 each.
 - (B) Custom Licensee Data Order — \$150 + \$40 per hour administrative time.

- (f) Address Label Disk — \$100 each.

(5) The cost of a request for public records not listed in section (4) of this rule shall be determined by the Executive Director at the time of the request, considering the factors listed in section (2) of this rule. If the estimated fee of a request exceeds \$25, the Commission will provide written notice to the requestor and will not act further to respond to the request until the requestor notifies the Commission, in writing, to proceed with making the records available.

(6) No additional fee will be charged for providing records or documents in an alternative format when required by the Americans with Disabilities Act.

(7) Requests for public records may be verbal; however, the Commission may require the request to:

- (a) Be in writing;
- (b) Be delivered to the Commission's office (by person, U.S. Mail, FAX, email or other electronic means);
- (c) Be dated;
- (d) Be signed;
- (e) Adequately describe the records being requested; or
- (f) Indicate the date the records are needed.

(8) Electronic Records: Copies of requested electronic records may be provided in the format or manner maintained by the Commission. The Commission will perform all downloading, reproducing, formatting, and manipulating of records. Due to the threat of computer virus, the Commission will not permit requestors to provide flash drives or other electronic media for electronic reproduction of computer records.

(9) All fees and charges must be paid in advance of releasing the requested public records.

Stat. Auth.: ORS 192 & ORS 283
Stats. Implemented: ORS 192.440 & ORS 283.110
Hist.: TSPC 5-2014, f. & cert. ef. 8-5-14

584-017-1025

Consortium

A consortium advises the unit on development, evaluation, and improvement of the program.

- (1) The consortium must include the following representation:

(a) Teachers who are members of their district's teacher bargaining unit;

- (b) Public school administrators;
- (c) Students in the program; and
- (d) Faculty from the institution.

(2) Optionally, representatives from the community may be appointed to the consortium.

(3) In all cases, attention must be given to under-represented populations.

- (4) The consortium has written by-laws that govern its operation.

(5) The consortium meets regularly but no less than twice each year to review and evaluate the program, the program's activities and annual reports and makes recommendations to the program.

(6) The unit must provide written responses to all recommendations made to the unit by the consortium.

Stat. Auth.: ORS 342
Stats. Implemented: 342.120 – 342.430; 342.455 – 342.495; 342.553
Hist.: TSPC 3-2012, f. & cert. ef. 3-9-12; TSPC 5-2014, f. & cert. ef. 8-5-14

584-018-0011

Knowledge, Skills, Abilities and Professional Dispositions for the Distinguished Teacher License for Teacher Leaders

If assessment of the teacher leader competencies is conducted through a Commission-approved teacher leader program; the program must assure that candidates for a Distinguished Teaching License for Teacher Leaders have sufficient evidence to show the requisite level of performances, essen-

tial knowledge and critical dispositions to meet each of the following standards:

(1) Domain 1: Understanding Adults as Learners to Support Professional Learning Communities: The teacher leader understands how adults acquire and apply knowledge and uses this information to promote a culture of shared accountability for school outcomes that maximizes teacher effectiveness, promotes collaboration, enlists colleagues to be part of a leadership team, and drives continuous improvement in instruction and student learning.

(2) Domain 2: Accessing and Using Research to Improve Practice and Student Learning:

The teacher leader understands how research creates new knowledge, informs policies and practices and improves teaching and learning. The teacher leader models and facilitates the use of systematic inquiry as a critical component of teachers' ongoing learning and development.

(3) Domain 3: Promoting Professional Learning for Continuous Improvement: The teacher leader understands the constantly evolving nature of teaching and learning, established and emerging technologies, and the school community. The teacher leader uses this knowledge to promote, design, and facilitate job-embedded professional learning aligned with school improvement goals.

(4) Domain 4: Facilitating Improvements in Instruction and Student Learning: The teacher leader demonstrates a deep understanding of the teaching and learning processes and uses this knowledge to advance the professional skills of colleagues by being a continuous learner, modeling reflective practice based on student results, and working collaboratively with colleagues to ensure instructional practices are aligned to a shared vision, mission, and goals.

(5) Domain 5: Using Assessments and Data for School and District Improvement: The teacher leader is knowledgeable about current research on assessment methods, designing and/or selecting effective formative and summative assessment practices and use of assessment data to make informed decisions that improve student learning; and uses this knowledge to promote appropriate strategies that support continuous and sustainable organizational improvement.

(6) Domain 6: Improving Outreach and Collaboration with Families and Community: The teacher leader understands that families, cultures, and communities have a significant impact on educational processes and student achievement and uses this knowledge to promote frequent and more effective outreach with families, community members, business and community leaders and other stakeholders in the education system.

(7) Domain 7: Advocating for Student Learning and the Profession. The teacher leader understands how educational policy is made at the local, state, and national level as well as the roles of school leaders, boards of education, legislators, and other stakeholders in formulating those policies; and uses this knowledge to advocate for student needs and for practices that support effective teaching and increase student learning and to serve as an individual of influence and respect within the school, community and profession.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120 – 342.430, 342.455-342.495, 342.553
Hist.: TSPC 5-2014, f. & cert. ef. 8-5-14

584-018-0305

Knowledge, Skills, Abilities, Cultural Competencies and Professional Dispositions for Initial School Counselor License

(1) These standards align with the Counsel for Accreditation of Counseling and Related Educational Programs (CACREP) school counselor standards found at: <http://www.cacrep.org>; Candidates who are preparing to work as school counselors will demonstrate the professional knowledge, skills, cultural competence and practices necessary to promote the academic, career, and personal and social development of all K–12 students.

(2) In addition to the common core curricular experiences outlined in the CACREP standards, and 200 total hours of a teaching practicum as obtained as part of their total program practicum requirements or obtained through prior teacher licensure; Initial School Counselor programs must provide evidence that student learning has occurred in the following domains:

- (3) Domain 1: Foundations:

- (a) Knowledge:

(A) Know the history, philosophy, and current trends in school counseling and educational systems;

(B) Understands ethical and legal considerations specifically related to the practice of school counseling;

ADMINISTRATIVE RULES

(C) Knows roles, functions, settings, and professional identity of the school counselor in relation to the roles of other professional and support personnel in the school;

(D) Knows professional organizations, preparation standards, and credentials that are relevant to the practice of school counseling;

(E) Understands current models of school counseling programs and their integral relationship to the total educational program;

(F) Understands the effects of: Atypical growth and development, health and wellness, language; ability level, multicultural issues, and factors of resiliency on student learning and development; and

(G) Understands the operation of the school emergency management plan and the roles and responsibilities of the school counselor during crises, disasters, and other trauma-causing events.

(b) Skills and Practices:

(A) Demonstrates the ability to apply and adhere to ethical and legal standards in school counseling; and

(B) Demonstrates the ability to articulate, model, and advocate for an appropriate school counselor identity and program.

(4) Domain 2: Counseling, Prevention and Intervention:

(a) Knowledge:

(A) Knows the theories and processes of effective counseling and wellness programs for individual students and groups of students;

(B) Knows how to design, implement, manage, and evaluate programs to enhance the academic, career, and personal/social development of students;

(C) Knows strategies for helping students identify strengths and cope with environmental and developmental problems;

(D) Knows how to design, implement, manage, and evaluate transition programs, including school-to-work, postsecondary planning, and college admissions counseling;

(E) Understands group dynamics — including counseling, psycho-educational, task, and peer helping groups — and the facilitation of teams to enable students to overcome barriers and impediments to learning; and

(F) Understands the potential impact of crises, emergencies, and disasters on students, educators, and schools, and knows the skills needed for crisis intervention.

(b) Skills and Practices:

(A) Demonstrates self-awareness, sensitivity to others, and the skills needed to relate to each diverse individual, group, and classroom;

(B) Provides individual and group counseling and classroom guidance to promote the academic, career, and personal and social development of students;

(C) Designs and implements prevention and intervention plans related to the effects of: Atypical growth and development, health and wellness, language, ability level, multicultural issues, and factors of resiliency on student learning and development;

(D) Demonstrates the ability to use procedures for assessing and managing suicide risk; and

(E) Demonstrates the ability to recognize his or her limitations as a school counselor and to seek supervision or refer clients when appropriate.

(5) Domain 3: Diversity and Advocacy:

(a) Knowledge:

(A) Understands the cultural, ethical, economic, legal, and political issues surrounding diversity, equity, and multicultural excellence in terms of student learning;

(B) Identifies community, environmental, and institutional opportunities that enhance, as well as barriers that impede, the academic, career, and personal and social development of students;

(C) Understands the ways in which educational policies, programs, and practices can be developed, adapted, and modified to be culturally congruent with the needs of students and their families; and

(D) Understands multicultural counseling issues, as well as the impact of ability levels, stereotyping, family, socioeconomic status, gender, and sexual identity, and their effects on student achievement.

(b) Skills and Practices:

(A) Demonstrates multicultural competencies in relation to diversity, equity, and opportunity in student learning and development;

(B) Advocates for the learning and academic experiences necessary to promote the academic, career, and personal/social development of students;

(C) Advocates for school policies, programs, and services that enhance a positive school climate and are equitable and responsive to multicultural student populations; and

(D) Engages parents, guardians, and families to promote the academic, career, and personal and social development of students.

(6) Domain 4: Assessment:

(a) Knowledge:

(A) Understands the influence of multiple factors such as: Abuse, violence, eating disorders, attention deficit hyperactivity disorder, and childhood depression; that may affect the personal, social, and academic functioning of students;

(B) Knows the signs and symptoms of substance abuse in children and adolescents, as well as the signs and symptoms of living in a home where substance abuse occurs; and

(C) Identifies various forms of needs assessments for academic, career, and personal and social development.

(b) Skills and Practices:

(A) Assesses and interprets students' strengths and needs, recognizing uniqueness in cultures, languages, values, backgrounds, and abilities;

(B) Selects appropriate assessment strategies that can be used to evaluate a student's academic, career, and personal/social development;

(C) Analyzes assessment information in a manner that produces valid inferences when evaluating the needs of individual students and assessing the effectiveness of educational programs;

(D) Makes appropriate referrals to school and/or community resources; and

(E) Assesses barriers that impede students' academic, career, and personal and social development.

(7) Domain 5: Research and Evaluation:

(a) Knowledge:

(A) Understands how to critically evaluate research relevant to the practice of school counseling;

(B) Knows models of program evaluation for school counseling programs;

(C) Knows basic strategies for evaluating counseling outcomes in school counseling such as: behavioral observation and program evaluation;

(D) Knows current methods of using data to inform decision making and accountability such as: school improvement plan and school report card; and

(E) Understands the outcome research data and best practices identified in the school counseling research literature.

(b) Skills and Practices:

(A) Applies relevant research findings to inform the practice of school counseling;

(B) Develops measurable outcomes for school counseling programs, activities, interventions, and experiences; and

(C) Analyzes and uses data to enhance school counseling programs.

(8) Domain 6: Academic Development:

(a) Knowledge:

(A) Understands the relationship of the school counseling program to the academic mission of the school;

(B) Understands the concepts, principles, strategies, programs, and practices designed to close the achievement gap, promote student academic success, and prevent students from dropping out of school; and

(C) Understands curriculum design, lesson plan development, classroom management strategies, and differentiated instructional strategies for teaching counseling- and guidance-related material.

(b) Skills and Practices:

(A) Conducts programs designed to enhance student academic development;

(B) Implements strategies and activities to prepare students for a full range of postsecondary options and opportunities; and

(C) Implements differentiated instructional strategies that draw on subject matter and pedagogical content knowledge and skills to promote student achievement.

(9) Domain 7: Collaboration and Consultation:

(a) Knowledge:

(A) Understands the ways in which student development, well-being, and learning are enhanced by family-school-community collaboration;

(B) Knows strategies to promote, develop, and enhance effective teamwork within the school and the larger community;

(C) Knows how to build effective working teams of school staff, parents, and community members to promote the academic, career, and personal and social development of students;

(D) Understands systems theories, models, and processes of consultation in school system settings;

(E) Knows strategies and methods for working with parents, guardians, families, and communities to empower them to act on behalf of their children;

ADMINISTRATIVE RULES

(F) Understands the various peer programming interventions such as: peer meditation, peer mentoring, and peer tutoring; and how to coordinate them; and

(G) Knows school and community collaboration models for crisis or disaster preparedness and response.

(b) Skills and Practices:

(A) Works with parents, guardians, and families to act on behalf of their children to address problems that affect student success in school;

(B) Locates resources in the community that can be used in the school to improve student achievement and success;

(C) Consults with teachers, staff, and community-based organizations to promote student academic, career, and personal/social development;

(D) Uses peer helping strategies in the school counseling program; and

(E) Uses referral procedures with helping agents in the community such as: mental health centers, businesses, and service groups; to secure assistance for students and their families.

(10) Domain 8: Leadership:

(a) Knowledge:

(A) Knows the qualities, principles, skills, and styles of effective leadership;

(B) Knows strategies of leadership designed to enhance the learning environment of schools;

(C) Knows how to design, implement, manage, and evaluate a comprehensive school counseling program;

(D) Understands the important role of the school counselor as a system change agent; and

(E) Understands the school counselor's role in student assistance programs, school leadership, curriculum, and advisory meetings.

(b) Skills and Practices:

(A) Participates in the design, implementation, management, and evaluation of a comprehensive developmental school counseling program; and

(B) Plans and presents school-counseling-related educational programs for use with parents and teachers such as: parent education programs, materials used in classroom guidance, and advisor and advisee programs for teachers.

Stat. Auth.: ORS 342

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

Hist.: TSPC 4-2012, f. & cert. ef. 5-18-12; TSPC 1-2013, f. & cert. ef. 2-14-13; TSPC 5-2014, f. & cert. ef. 8-5-14

584-023-0005

Registry of Charter School Teachers

(1) No persons shall serve as a teacher (as defined in ORS 342.120) in a public charter school unless such person either holds a valid Oregon license issued by TSPC pursuant to 338.135 or is registered with TSPC as a charter school teacher in accordance with 342.125(5).

(2) TSPC shall create a Public Charter School Registry for all non-licensed persons who are employed and registered as teachers in any charter school.

(3) To obtain a charter school teacher registration, an applicant and the employing charter school will submit a joint application, which will include the following documentation:

(a) Description of the specific teaching position the applicant will fill with the employing charter school plus an indication of the exact subjects the educator will be teaching;

(b) Fingerprints on forms prescribed by the Oregon State Police and in the manner required by TSPC. Fingerprint cards previously filed with the Oregon Department of Education do not qualify;

(c) Completed application and fee;

(d) Transcripts of the applicant's post-secondary education and evidence of other experience and qualifications relevant to the teaching position the applicant is seeking subject to the following:

(A) If applying to teach in any K-6 classroom: Test scores of having passed the Commission-adopted multiple subjects test or an acceptable equivalent elementary test as evidence the applicant meets the federal requirements for "Highly Qualified" elementary (See OAR 584, division 100);

(B) If applying to teach in any Core Academic Subject in grades 7-12 any of the following must be submitted:

(i) Test scores of having passed the Commission-adopted test in that subject or an acceptable equivalent test as evidence the applicant meets the federal definition for "Highly Qualified" secondary teacher (See OAR 584, division 100); or

(ii) Transcripts evidencing a major or course-work equivalent to a major in the core academic subjects the applicant will teach; or

(iii) Transcripts evidencing a master's in the core academic subjects the applicant will teach.

(C) Applicants to teach special education must be fully compliant with the federal IDEA which requires full state licensure as a special education teacher in addition to demonstration the applicant meets the federal definition for "Highly Qualified" teacher (See OAR 584, division 100).

(e) A list of any professional licenses held; and

(f) A passing score on a commission-approved test of knowledge of U.S. and Oregon civil rights laws and professional ethics unless these requirements have already been met through prior TSPC licensure.

(4) The registration is not transferrable to another charter school without an application for a registration change with TSPC.

(5) A charter school registration may be renewed for an additional three-year term upon joint application of the registrant and employing charter school on forms established by the Commission and upon the payment of the applicable fee.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120-342.430, 342.455-342.495 & 342.533

Hist.: TSPC 5-1999(Temp), f. & cert. ef. 8-24-99 thru 2-19-00; TSPC 7-1999, f. & cert. ef. 10-8-99; TSPC 9-2006, f. & cert. ef. 6-15-06; TSPC 7-2007, f. & cert. ef. 12-14-07; TSPC 4-2009, f. & cert. ef. 9-22-09; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10; TSPC 9-2010, f. & cert. ef. 1-1-11; TSPC 4-2012, f. & cert. ef. 5-18-12; TSPC 1-2014(Temp), f. & cert. ef. 3-15-14 thru 9-10-14; TSPC 5-2014, f. & cert. ef. 8-5-14

584-023-0030

Registry of Charter School Administrators

(1) No persons shall serve as an administrator (as defined in ORS 342.120 and OAR 584-080-0008 Scope of Administrator Licenses) in a public charter school unless such person either holds a valid Oregon license issued by TSPC pursuant to 338.135 or is registered with TSPC as a charter school administrator in accordance with 342.125(5).

(2) TSPC shall create a Public Charter School Registry for all persons who do not hold an administrator license and are employed as administrators in any charter school.

(3) To obtain a charter school registration, an applicant and the employing charter school will submit a joint application, which will include the following documentation:

(a) Description of the specific administrative position the applicant will fill with the employing charter school;

(b) Fingerprints on forms prescribed by the Oregon State Police in the manner required by TSPC, unless the applicant has been previously cleared and has remained continuously licensed since the last clearance.

(c) Completed application and fee;

(d) A description of the applicant's post-secondary education and other experience relevant to the administrator position the applicant is seeking;

(e) A list of any professional licenses held; and

(f) A passing score on a commission-approved test of knowledge of U.S. and Oregon civil rights laws and professional ethics unless these requirements have already been met through prior TSPC licensure.

(4) Successful completion of the background checks disclosing no disqualifying materials or information will entitle the registrant to serve as a teacher or administrator as defined in ORS 342.120 in the employing charter school for a period of up to three (3) years or until employment with the employing charter school ceases, whichever occurs first.

(5) The registration is not transferrable to another charter school without an application for a registration change with TSPC.

(6) A charter school administrator registration may be renewed for an additional three-year term upon joint application of the registrant and employing charter school on forms established by the Commission and upon the payment of the applicable fee.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.533

Hist.: TSPC 1-2014(Temp), f. & cert. ef. 3-15-14 thru 9-10-14; TSPC 5-2014, f. & cert. ef. 8-5-14

584-036-0080

Licensure Tests

(1) Licensure tests are required to demonstrate subject-matter competency in most endorsement areas established by the Commission. Passage of Commission-approved basic skills tests is required for admission into Oregon educator preparation programs unless the candidate holds a master's degree from an accredited institution obtained prior to admission into any Oregon education preparation program.

(2) Out-of-State Applicants: Out-of-state applicants may present proof of passage of another state's subject-matter competency test for full

ADMINISTRATIVE RULES

subject-matter endorsement on an Oregon license under the following conditions:

(a) The area in which the test was passed is comparable to the subject-matter endorsement area adopted by the Commission and is not a basic skills test;

(b) The test was administered by either the former or current testing companies representing Evaluation Systems group of Pearson (ESP) or Education Testing Service (ETS);

(c)(A) A passing score on an out-of-state licensure test for subject-matter endorsement on the license results in waiver of a comparable Oregon adopted beginning-teacher licensure test if the subject-matter area covered by the out-of-state test is more similar than not to the Oregon test.

(B) The burden is on the applicant to provide alternate proof the test was taken and the score was a passing score in another state if the applicant is unable to produce an original score report. TSPC reserves the right to reject the alternate verification if the source of the score verification is not a higher education institution or another public educator licensure agency; and

(d) Any subject-matter test, except the basic skills tests, may be waived if the applicant demonstrates special academic preparation satisfactory to the Commission together with five years of half-time or more experience teaching the specific subject matter on a license valid for the assignment in a public school or regionally accredited private school in a U.S. jurisdiction before holding any Oregon license. The five years of half-time or more experience must be acquired entirely outside of the State of Oregon and must be obtained while holding an unrestricted out-of-state license valid for the assignment. Teaching experience without a valid license does not count toward test waiver.

(3) An electronic score report submitted by the testing company administering the test at the applicant's request will be treated as an "original" score report. In all other cases, only the original score report, or an authentic facsimile will be accepted as validation of passing the required test. TSPC reserves the right to require the applicant to produce authentic evidence of passage of the test the applicant wishes to submit for consideration for test waiver.

(4) Other evidence documenting passage of a required test for licensure may be accepted at the executive director's discretion when exigent circumstances prohibit the educator from presenting an original score report. The executive director may submit the evidence and the decision to the Commission at the next meeting at the director's discretion in cases the director believes may need Commission review.

(5) Basic Skills Tests:

(a) To satisfy the basic skills testing requirements, the Commission will accept passing scores on the following tests:

(A) NES Essential Skills Tests — Evaluation Systems–Pearson (ESP)

(B) Any basic skills test currently approved or accepted by the California Commission on Teacher Credentialing (CTC);

(C) Any basic skills test current approved or accepted by the Washington Professional Educator Standards Board (WPESB);

(D) Any Education Testing Service (ETS) developed basic skills tests approved by the Commission.

(b) A regionally-accredited or foreign equivalent master's degree or higher held at the time of admission into an educator preparation program, waives the basic skills tests.

(c) An out-of-state applicant may waive the basic skills test with evidence of full out-of-state licensure or a master's degree from an accredited institution or foreign equivalent.

(d) Applicants submitting proof of a non-provisional California Teaching License will be deemed to have fulfilled the basic skills testing requirement.

(6) Applicants seeking endorsement in areas where the Commission has not adopted an approved test must complete coursework as required by the Commission. In the alternative, applicants may submit evidence of a passing score from another state's licensure test and evidence they held the endorsement on an out-of-state license in lieu of satisfying the Commission's required coursework.

(7) For situations not covered by these rules, the Commission grants the executive director the discretion to determine whether test scores or licenses submitted pursuant to this section meet the Commission's intent with regard to preventing unnecessary redundancy in completing licensure testing requirements.

Stat. Auth.: ORS 342

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

Hist.: TSPC 2-2007, f. & cert. ef. 4-23-07; TSPC 2-2009, f. & cert. ef. 3-12-09; TSPC 6-2010, f. & cert. ef. 8-31-10; TSPC 9-2012, f. & cert. ef. 9-14-12; TSPC 6-2013, f. & cert. ef. 11-14-13; TSPC 5-2014, f. & cert. ef. 8-5-14

584-050-0020

Suspension for Resignation in Violation of Contract

(1) If a school board charges a teacher with violation of a contract under ORS 342.553, for failure to provide sixty days' notice prior to resignation, the Board must submit all of the following documents:

(a) A copy of the Board's resolution containing the teacher's notice of resignation and the Board's request for suspension of licensure;

(b) A copy of the teacher's contract;

(c) A copy of the applicable collective bargaining agreement;

(d) A statement from the superintendent describing the provisions of the agreement for resignations; and

(e) A statement from the superintendent attesting that the administration made it clear to the educator upon request for resignation that the district may submit the failure to provide 60-day notice to TSPC for consideration of discipline.

(2) A teacher who signs a contract renewal notice will be considered to have accepted the contract to teach the following year.

(3) Upon receipt of the information specified in section (1) of this rule, the Executive Director will refer the case to investigation and proceed pursuant to ORS 342.175 to 342.177.

Stat. Auth.: ORS 342

Stat. Implemented: ORS 342.553

Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 6-1980, f. & ef. 12-23-80; TS 1-1982, f. & ef. 1-5-82; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 1-1992, f. & cert. ef. 1-15-92; TS 4-1997, f. 9-25-97, cert. ef. 10-4-97; TSPC 1-2000(Temp), f. & cert. ef. 1-18-00 thru 7-11-00; TSPC 2-2000, f. & cert. ef. 5-15-00; TSPC 13-2006, f. & cert. ef. 11-22-06; TSPC 7-2007, f. & cert. ef. 12-14-07; TSPC 5-2014, f. & cert. ef. 8-5-14

584-050-0040

Expiration and Continued Use of Expired Licenses and Registrations

(1) A license, certificate or registration expires on the date posted on the license or registration unless an application for renewal or upgrade to the next license is received by the Commission prior to that expiration date. If a license or registration expires, reinstatement requirements, including possible late fees must be met for further licensure, certification or registration.

(2) In spite of the expiration date, a license, certificate or registration identified in subsection (1) continues to be valid for a 120 day grace period after the date of expiration only for purposes of ORS 342.173 so long as the application and fee for renewal have been received by the TSPC office on or before the date of expiration of the license.

(a) Late applications will receive a grace period that does not exceed the amount of time the educator would have had if the application and fee had been received prior to the expiration date on the license, certificate or registration. (See subsection (3) below.)

(b) The period the license, certificate or registration was expired will show in the Commission's records. The next license, certificate or registration will be issued from the date the application and fees were received if received after the expiration date on the license, certificate or registration.

(3) Unless an application for renewal and fee are received prior to the expiration date on the license, certificate or registration subject to this rule, the educator is not eligible to continue employment under the license or registration.

(a) If the application and full fee are received following the expiration date on a renewable license, then the educator becomes eligible to work on the expired license upon posting of the fee and activation of the grace period on the TSPC web site through the 120th day following the expiration of the license;

(b) If an application for renewal is late, an applicant may have to pay for an expedited license, certificate or renewal if there is insufficient time to issue the license, certificate or renewal before the 120 day grace period expires.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430 & 342.985

Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 2-1981(Temp), f. & ef. 8-17-81; TS 1-1982, f. & ef. 1-5-82; TS 1-1992, f. & cert. ef. 1-15-92; TSPC 13-2006, f. & cert. ef. 11-22-06; TSPC 7-2007, f. & cert. ef. 12-14-07; TSPC 2-2009, f. & cert. ef. 3-12-09; TSPC 6-2010, f. & cert. ef. 8-31-10; TSPC 5-2014, f. & cert. ef. 8-5-14

584-060-0062

Adding Endorsements to Initial or Professional Teaching Licenses

(1) An endorsement is the subject matter or specialty education field in which the educator is licensed to teach. Educators may only teach the subjects in which they are licensed in the grade levels authorized on the license (authorization level).

(2) A multiple subjects self-contained endorsement does not allow the teacher to teach: Adaptive Physical Education, Art, Communications Disorders, Early Intervention/Special Education, ESOL, ESOL/Bilingual,

ADMINISTRATIVE RULES

Hearing Impaired, Library Media, Music, Physical Education, Reading Specialist, Special Education, or Vision Impaired.

(3) Subject-Matter Competency: A new endorsement will be added to a new or existing Initial I, Initial II or Professional Teaching License upon documentation of one of the following: (For Middle-Level Endorsement exceptions see subsection (5) below.)

(a) For endorsements where subject-matter mastery tests are required by the commission,

(b) For the endorsements where the commission has not approved subject-matter mastery tests including but not limited to: Drama, Japanese, Latin, Chinese, Russian, and Adaptive Physical Education:

(A) Completion of a program or demonstrated completion of required coursework; or

(B) A non-provisional out-of-state license showing endorsement in the subject-area.

(c) Special Exception for Out-of-State Applicants: For out-of-state applicants upon first licensure in Oregon. (See OAR 584-036-0080 Licensure Tests.)

(4) Practicum Requirements: In addition to the requirements in subsection (3)(a) and (b) of this rule, one of the following practical experiences must be completed:

(a) A program-supervised practicum of two semester hours or three quarter hours, which except as specified below may or may not be part of a longer preparation that includes content or methods courses in the subject area, in an institution approved to prepare teachers for that endorsement;

(b) Verification of 60 hours or more of experience teaching the new subject-area at least one hour each day or the equivalent on either an optional assignment of ten hours or less or an approved License for Conditional Assignment (LCA) as allowed by OAR 584-060-0250; or

(c) Completion of an approved program in the new subject-matter endorsement area.

(5) Adding Endorsements to the Middle-Level (ML) Authorization Level:

(a) Teachers holding an Initial, Initial I, Initial II, or Professional Teaching License with a multiple subjects self-contained or a multiple subjects endorsement with either an elementary or middle-level authorization are not required to complete an additional subject-related practicum to add the endorsements specified in this subsection.

(b) To add the endorsements listed below, teachers qualifying under this section must pass the Commission-approved high school or middle school test or tests in the appropriate subject-matter area:

(A) Language Arts or middle-school Language Arts;

(B) Social Studies or middle-school Social Studies;

(C) Science or middle school science; or

(D) Basic or Advanced Math.

(c) A multiple subjects endorsement is also required to add all general education endorsements at the middle-level authorization except the following specialty endorsements:

(A) Adaptive Physical Education

(B) Art;

(C) ESOL;

(D) ESOL/Bilingual;

(E) Library Media Specialist;

(F) Music;

(G) Physical Education;

(H) Reading; and

(I) Special Education;

(J) Vision Impaired;

(K) Hearing Impaired;

(L) Communications Disorders;

(M) Early Intervention/Special Education.

(6) Grade Authorization Level: Some endorsement areas may require the completion of a new authorization level program prior to being added to the license. The applicant should obtain a check sheet of requirements from TSPC prior to pursuing adding a new endorsement to an existing license. (See, OAR 584-060-0052 Adding Authorization Levels to Existing Initial and Professional Teaching Licenses.)

(7) When Programs are required:

(a) An approved program including content courses, methods courses, and practica is always required as preparation for added endorsement in the following areas:

(A) All Special Education endorsements, including:

(i) Early Intervention/Special Education;

(ii) Hearing Impairment;

(iii) Vision Impairment;

(iv) Special Education; and

(v) Communication Disorders;

(B) English to Speakers of Other Languages (ESOL);

(C) Reading; or

(D) Subjects for which no subject mastery test has been required by the Commission for endorsement including but not limited to:

(i) Drama;

(ii) Japanese;

(iii) Latin;

(iv) Chinese;

(v) Russian; and

(vi) Adaptive Physical Education.

(b) Program evaluations for waiver of the subject matter test for out-of-state applicants requesting these endorsements must align with the requirements in division 38;

(c) Adding a Multiple Subjects or other General Education Endorsement to a License with Only a Specialty Endorsement: To add any general education endorsement to a license that holds a "specialty endorsement" only requires the following:

(A) Evidence of completion of a general education program at the grade levels at which the general education endorsement is sought; or

(B) A recommendation by C-2 form by an Oregon program approved to offer the endorsement.

(8) Specialty Endorsements: Adding specialty endorsements such as art, music, ESOL, ESOL/bilingual, reading, physical education, and library media specialists may involve additional course work. (See, OAR 584-060-0071 Endorsements Requiring Special Preparation.)

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 –342.430; 342.455 – 342.495; 342.553

Hist.: TSPC 3-2005(Temp), f. & cert. ef. 4-15-05 thru 9-30-05; TSPC 7-2005, f. & cert. ef. 8-24-05; TSPC 2-2007, f. & cert. ef. 4-23-07; TSPC 7-2008, f. & cert. ef. 8-20-08; TSPC 4-2009, f. & cert. ef. 9-22-09; TSPC 2-2011, f. & cert. ef. 1-28-11; TSPC 6-2011, f. 8-15-11, cert. ef. 9-1-11; TSPC 4-2012, f. & cert. ef. 5-18-12; TSPC 3-2013, f. & cert. ef. 8-19-13; TSPC 5-2014, f. & cert. ef. 8-5-14

584-060-0250

License for Conditional Assignment

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a school district in Oregon may request a License for Conditional Assignment (LCA) for any educator holding an Initial, Professional, Basic, Standard or pre-1965 Five-year License.

(2) The purpose of an LCA is to allow a school district to request mis-assignment for an educator to teach in an out-of-field subject-matter endorsement area or at grade-levels for which the educator is not authorized to teach, while the educator completes requirements necessary either to add the subject-matter endorsement or grade-level authorization to the underlying license or to obtain a new license type.

(3) The LCA is required when teaching out-of-field under any of the following circumstances:

(a) Teaching assignments for more than 10 hours weekly in one subject-matter area without the appropriate subject-matter endorsement;

(b) Assignment at any grade level not held on the underlying license; EXAMPLE: A high school authorized teacher teaching in grade 4 would require an LCA for any amount of time teaching outside of her grade level.

EXAMPLE: A physical education teacher without a health endorsement teaching health three periods of the day would require a LCA for health. If only teaching two periods a day; that would fall under the 10 hours per week threshold.

(c) Teaching in more than one unendorsed subject-matter endorsement area for any amount of time; or

EXAMPLE: If the physical education teacher above was teaching one period of health and one period of math; then an LCA would be required for both areas regardless of the 10 hours per week rule. The 10 hours per week rule applies to one subject only.

(d) Moving from one license to another;

EXAMPLE: A teacher moving to administration; an administrator moving to teaching (if educator does not hold a valid teaching license); a teacher moving to school psychology.

(4) Duration of the LCA: The LCA is a provisional license that provides temporary conditional approval to teach out-of-field under the following conditions:

(a) All LCAs will expire on June 30 following the date the LCA is issued.

(b) For endorsements that require only a test, experience or nine quarter hours or less of coursework, all endorsement requirements must be completed by June 30th following the date the LCA is issued.

(c) For endorsements requiring coursework exceeding nine quarter or six semester hours of coursework, the LCA will not exceed more than three academic years in total. The LCA for these endorsements will be issued as follows:

ADMINISTRATIVE RULES

(A) The first LCA will expire on June 30th following the date the first LCA is issued;

(B) The second LCA will be reauthorized upon application by the educator and the school district upon evidence the educator has completed some coursework toward adding the endorsement and will expire on June 30th following the date the second LCA is issued;

(C) The third LCA will be reauthorized upon application by the educator and the school district and upon evidence the educator has substantially the coursework needed to add the endorsement and will expire on June 30th following the date the third LCA is issued.

(5) The LCA will not be "back dated." Time spent on assignments where the district failed to request the LCA will be deducted from the allowable LCA total (either one year or three years).

(6) The LCA is not renewable and is not eligible for a 120 day grace period beyond its expiration date.

(7) The LCA is not a stand-alone or independent license. The underlying license must be kept current in order for the LCA to remain active. The LCA will not be issued for a duration that exceeds the expiration date of the underlying license. In cases where there is a lapse in the underlying license, the LCA may be re-activated for a time as determined by the Executive Director upon reinstatement of the underlying license.

(8) The district applying for an LCA is assumed to have informed the educator for which the LCA is being requested. Failure to inform the educator may result in an invalid LCA upon a finding by the Commission that the educator did not grant the district permission to add the LCA to the educator's license.

(9) Licenses not eligible for an LCA include, but are not limited to the following provisional licenses:

- (a) Any Restricted Transitional;
- (b) Limited Teaching License;
- (c) American Indian Language;
- (d) Teaching Associate License;
- (e) Career and Technical Education Teaching License;
- (f) ESEA Alternative Route License;
- (g) Substitute Teaching License
- (h) Restricted Substitute Teaching License;
- (i) Exceptional Administrator License; or
- (j) International Teaching License.

(10) Other Special LCA Limitations:

(a) An administrator, school counselor, or school psychologist who has never held a non-provisional teaching license in any state may not be issued an LCA to teach.

(b) An educator seeking conditional assignment as an administrator must hold a master's degree in education to be eligible for the LCA.

(c) Applying educators in either school counseling or school psychology must hold at least a bachelor's degree or master's degree in the respective field of counseling or psychology.

(d) Educators holding a Basic or Standard Teaching License must only seek a LCA for school counseling if the assignment exceeds .50 FTE.

(e) Licenses for Conditional Assignment will only be issued for special education assignments that are supplementary to highly qualified core academic subjects areas. The holder of the LCA must not be solely responsible for delivering direct instruction of core academic content matter to students on an IEP.

(f) Applying educators must never have held any one of the following licenses or permits endorsed in the subject-matter area or authorized grade-levels in which the educator is seeking to teach out-of-field:

- (A) Conditional assignment permit;
- (B) Restricted Transitional;
- (C) Emergency;
- (D) Transitional or out-of-state Initial Teaching License; or
- (E) Out of state license in the out-of-field subject-area or grade-levels.

(11) The LCA is restricted to use within the district that has applied for it. A new district may request to transfer the LCA so long as there is time remaining since the date the LCA was first issued.

(12) A district must:

(a) Apply for an LCA by October 31 for the fall term or otherwise within two weeks after the assignment has begun;

(b) Agree to provide professional assistance specific to the assignment for the educator during the first year of the conditional assignment; and

(c) Ensure that federal laws related to Highly Qualified Teachers are taken into account when applying for an LCA.

(13) After an LCA has expired, the educator must have completed all requirements necessary to add the appropriate endorsement, grade-level authorization or new licensure program in order to continue working in the area in which the educator held the LCA. Continuing to work in an out-of-field position on an expired LCA is a violation of licensure law and is unauthorized. The license-holder or the assigning administrator or both may be subject to sanctions by the commission pursuant to OAR 584-020-0040.

Stat. Auth.: ORS 342

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

Hist.: TSPC 8-2011, f. 12-15-11, cert. ef. 1-15-12; TSPC 3-2013, f. & cert. ef. 8-19-13; TSPC 5-2014, f. & cert. ef. 8-5-14

584-060-0501

Purpose of Oregon Teaching Licenses

(1) These rules establish a licensure structure that defines the requirements to teach in Oregon public schools pursuant to ORS 342.120 to 342.232.

(2) The grade levels of licensure align with developmental levels of students and provide assignment flexibility for the 21st Century Classroom. Allowing assignment across all grades in a pre-kindergarten through grade 12 based on subject-matter expertise provides the best opportunity for implementation of proficiency-based education models for Oregon students.

(3) The curriculum of teacher preparation affirms the dignity and worth of all students and ensures students from diverse cultural and ethnic backgrounds are provided all opportunities to achieve subject-matter proficiency for optimal college and career readiness.

(4) Oregon's licensure structure embraces the value and worth of the professional educator. The professional teacher will direct her or his long-term career goals and choose the appropriate route to professional licensure.

(5) Oregon's licensure structure supports the growth and achievement of each and every Oregon 0-20 public school student. Honoring and celebrating the dignity and worth of our multicultural student population is a key center-piece to Oregon's education enterprise.

(6) The preliminary and professional teaching licensure standards are based on the 2011 Interstate Teacher Assessment and Support Consortium Model Core Teaching standards adopted by the Council for Chief State School Officers.

(7) The Distinguished Professional Teaching License is designed to recognize measured milestones in an accomplished professional educator's career including but not limited to: National Board Certification, Teacher Leader development, Beginning Teacher Mentoring, advanced educational coursework and demonstration of advanced teaching proficiencies.

(8) Oregon's licensure program embraces the concept of interstate reciprocity and recognizes the value of previous competency as reflected on another state's teaching preparation standards and nonprovisional licenses.

(9) Continuing professional development (CPD) is integral to the professional educator's career development. Continuing professional development is required at all stages of professional licensure renewal.

Stat. Auth.: ORS 342

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

Hist.: TSPC 5-2014, f. & cert. ef. 8-5-14

584-060-0525

Professional Teaching License Requirements

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant may be granted a Professional Teaching License.

(2) This license is issued for five years and is renewable repeatedly under conditions specified below.

(3) This license is valid for regular teaching at one or more designated authorization levels in one or more designated subject-matter specialties and for substitute teaching at any level in any specialty.

(4) To be eligible for a Professional Teaching License an applicant must:

(a) Have educator fitness by possessing the personal qualifications for licensure including attainment of at least eighteen (18) years of age and possessing good moral character and mental and physical health necessary for employment as an educator;

(b) Meet or complete all requirements of the Initial I and the Initial II Teaching Licenses; and

(c) Hold a master's degree or equivalent or a higher degree in the arts and sciences or an advanced degree in the professions from a regionally accredited institution in the United States, or the foreign equivalent of such degree approved by the commission. A master's degree or a doctoral degree

ADMINISTRATIVE RULES

from a regionally accredited institution in the United States validates a non-regionally accredited bachelor's degree for licensure; and

(d) Have taught five full years on any non-provisional license appropriate for the assignment; and

(e) Demonstrate minimum competencies, knowledge and skills in accordance with OAR 584-018-0110 by completing one of the following:

(A) A TSPC approved Professional Teaching License program offered by a college or university; or

(B) A doctorate degree in education from a regionally accredited institution; or the foreign equivalent of such degree approved by the commission; or

(C) Certification by the National Boards of Professional Teaching Standards; or

(D) Certificate of Clinical Competence awarded by the American Speech and Hearing Association for those holding a communication disorders endorsement; or

(E) A commission-approved school district program; or

(F) Any commission-approved professional assessment designated for that purpose; or

(G) A Professional Certificate issued by the State of Washington.

(5) The Professional Teaching License may be renewed for five years upon completion of professional development requirements in accordance with OAR 584, division 90.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.165, 342.125 & 342.138

Hist.: TSPC 1-2014(Temp), f. & cert. ef. 3-15-14 thru 9-10-14; TSPC 5-2014, f. & cert. ef. 8-5-14

584-060-0530

Distinguished Teaching License Requirements

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant may be granted a Distinguished Teaching License indicating the holder is a Teacher Leader.

(2) This license is issued for two years and is renewable repeatedly under conditions specified in subsection (6) below.

(3) This license is valid for regular teaching and for teacher leader activities in one or more designated subject-matter endorsements and for substitute teaching at any level in any specialty.

(4) The Distinguished Teacher License indicates that the holder is ready to take on advanced roles including but not limited to: mentoring, curriculum development support, teacher preparation support and other educational leadership activities.

(5) To be eligible for a Distinguished Teaching License an applicant must:

(a) Educator Fitness: Possess the personal qualifications for licensure including attainment of at least eighteen (18) years of age and possessing good moral character and mental and physical health necessary for employment as an educator;

(b) Meet or complete all requirements of the Professional Teaching License; and

(c) Have taught five full years or more; and

(d) Meet at least one of the following requirements:

(A) Demonstrate competency in any one of the Commission's designated teacher leader specialties; or

(B) Hold Certification by the National Board for Professional Teacher Standards; or

(C) Obtain an Educational Specialist (EdS) or doctorate (EdD or PhD) in any education-related area; or

(D) Demonstrate other exceptional knowledge and experience qualifying the teacher to provide mentoring, curriculum development support, teacher preparation support or other educational leadership activities.

(6) The Distinguished Teaching License may be renewed upon completion of continuing professional development requirements in accordance with OAR 584, Division 90 under the following conditions:

(a) The first two renewals may be based upon completion of professional development requirements in accordance with OAR 584, division 90;

(b) Subsequent renewals must be based upon demonstration of ongoing teacher leader activities such as: mentoring, curriculum development support, teacher preparation support and other educational leadership activities consistent with a teacher leader; and

(c) Failure to demonstrate ongoing teacher leader activities, the teacher will be eligible for the Professional Teacher License upon evidence of continuing professional development.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430; 342.455-342.495; 342.553

Hist.: TSPC 1-2014(Temp), f. & cert. ef. 3-15-14 thru 9-10-14; TSPC 5-2014, f. & cert. ef. 8-5-14

584-066-0020

Knowledge, Skills and Abilities for Elementary Mathematics Instructional Leader Specialization

(1) An Elementary Mathematics Instructional Leader specialization may be added to any TSPC Basic, Standard, Initial or Continuing Teaching License upon completion of the requirements and qualifications found in this rule.

(2) To be eligible for the Elementary Mathematics Instructional Leader (EMIL) specialization, the licensed teacher must have all of the following:

(a) A license authorized to teach in grades K-8 and holding the multiple subjects, basic elementary or standard elementary endorsements;

(b) Three complete years of teaching mathematics in grades K-8 as verified by a Professional Educator Experience Form (PEER) or other verifiable experience if the experience is obtained out of state; and

(c) Demonstrated competency in the following Elementary Math Specialist (EMS) standards as determined by a program approved to offer the Elementary Mathematics Instructional Leaders specialization as evidenced by completion of:

(A) Twenty-four quarter or sixteen semester hours of a TSPC-approved Elementary Mathematics Instructional Leader program; and

(B) An EMIL practicum working with a range of students and teachers.

(3) Elementary Mathematics Instructional Leaders specialist standards include:

(a) Content Knowledge: EMIL professionals must know and understand deeply the mathematics of elementary school as well as how mathematics concepts and skills develop through middle school. This knowledge includes specialized knowledge that teachers need in order to understand and support student learning of elementary mathematics.

(b) Pedagogical Knowledge for Teaching Mathematic: EMIL professionals are expected to have a foundation in pedagogical content knowledge (PCK) (Ball, Thames, & Phelps, 2008). This section is informed by and draws upon the 2003 NCATE/NCTM Program Standards: Standards for Elementary Mathematics Specialists.

(c) Leadership Knowledge and Skills: EMIL professionals need to be prepared to take on collegial non-evaluative leadership roles within their schools and districts. They must have a broad view of many aspects and resources needed to support and facilitate effective instruction and professional growth.

(4) Approval of any EMIL program must satisfy the full set of standards including specific objectives which may be found in the publication: Standards for Elementary Math Specialists: A Reference for Teacher Credentialing and Degree Programs; a publication of the Association of Mathematics Teacher Educators.

Stat. Auth.: ORS 342

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

Hist.: TSPC 3-2014(Temp), f. 4-7-14, cert. ef. 4-8-14 thru 9-22-14; TSPC 5-2014, f. & cert. ef. 8-5-14

584-070-0012

Initial I School Counselor License

(1) Upon filing a correct and complete application in form and manner prescribed by the Commission, a qualified applicant may be granted an Initial I School Counselor License for three years plus time to the applicant's birthday.

(2) The Initial I School Counselor License is valid as designated for regular counseling at early childhood and elementary grade levels; at elementary and middle-level grade levels; or at middle and high school grade levels, or at all four levels.

(a) The license is also valid for substitute counseling at any level; and

(b) The license is also valid for substitute teaching at any level in any subject-matter area.

(3) To be eligible for an Initial I School Counselor License, an applicant must satisfy all of the following general preparation requirements:

(a) A master's or higher degree in counseling, education, or related behavioral sciences from a regionally accredited institution in the United States, or the foreign equivalent of such degree approved by the Commission and a bachelor's degree. A master's degree or a doctoral degree from a regionally accredited institution in the United States validates a non-regionally accredited bachelor's degree;

(b) Completion in Oregon or another U.S. jurisdiction, as part of the master's degree or separately, of a Commission-approved initial program in school counseling;

ADMINISTRATIVE RULES

(c) Receive a passing score as currently specified by the Commission on a test of basic verbal and computational skills;

(d) Obtain a passing score on a Commission-adopted test of knowledge of U.S. and Oregon civil rights laws and professional ethics; and

(e) Furnish fingerprints in the manner prescribed by the Commission and provide satisfactory responses to the character questions contained in the Commission's licensure application. (See also, OAR 584-036-0062 for Criminal Records Check Requirement.)

(4) The Initial I School Counselor License may be renewed two times for three years upon showing progress toward completion of the renewal requirements as described in OAR 584-070-0014 during the life of the Initial I School Counselor License under the following conditions:

(a) The progress must meet or exceed the equivalent of 3 semester hours or 4.5 quarter hours of graduate coursework germane to the license or directly germane to public school employment; and

(b) The educator must qualify for an Initial II School Counselor License upon expiration of nine years following the date the first Initial School Counselor License was issued; and

(c) If the Initial I School Counselor license was issued on the basis of an out-of-state nonprovisional license rather than completion of an Oregon-approved program; the educator must have completed any incomplete requirements in subsection (3) above.

(5) School counselor licenses are authorized for grade levels as follows: early childhood and elementary (ECE/ELE); or middle-level and high school (ML/HS).

(a) Early childhood and elementary authorization is valid up through grade eight in any school.

(b) Middle level and high school authorization is valid in grades five through twelve in any school.

(c) The Initial I School Counselor License is authorized for either two or four grade authorization levels on the basis of professional education, experience, previous licensure, and specialized academic course work verified by one of the following:

(A) Evidence verified by an Oregon-approved School Counseling Program; or

(B) An out-of-state non-provisional School Counselor License valid for all grade levels;

(6) On an Initial I School Counselor License authorized for only two levels, the remaining pair of levels can be added prior to attainment of the Initial II School Counselor or the Continuing School Counselor License. The remaining levels will be added upon acquisition of practical experience in one of two ways:

(a) A school counseling practicum of four (4) semester hours or six (6) quarter hours at either or both of the paired new grade authorization levels, entailing a minimum of 200 clock hours, in an institution approved to prepare for those grade authorization levels; or

(b) One academic year at either or both of the paired new grade authorization levels as permitted in subsection (7) below.

(7) A counselor authorized for only one of the paired grade authorization levels may counsel in the remaining unauthorized grade levels for a period of not more than three years while pursuing authorization at the other paired authorization grade levels upon request for a License for Conditional Assignment pursuant to OAR 584-060-0250.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430; 342.455-342.495; 342.553

Hist.: TSPC 2-2007, f. & cert. ef. 4-23-07; TSPC 5-2008, f. & cert. ef. 6-13-08; TSPC 3-2009(Temp), f. & cert. ef. 5-15-09 thru 11-11-09; Administrative correction 11-19-09; TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 5-2013, f. & cert. ef. 11-14-13; TSPC 1-2014(Temp), f. & cert. ef. 3-15-14 thru 9-10-14; TSPC 5-2014, f. & cert. ef. 8-5-14

584-070-0271

Transitional School Psychologist License for First Time Out-of-State Applicants

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant may be granted a Transitional School Psychologist License.

(2)(a) The Transitional School Psychologist License is issued for eighteen months and is not renewable. At that time, the educator must qualify for an Initial or a Continuing School Psychologist License.

(b) The educator must qualify for a Continuing School Psychologist License upon expiration of six (6) years following the date the Transitional School Psychologist License was first issued.

(3) The Transitional School Psychologist License is valid for:

(a) School psychology at all age or grade levels,

(b) Substitute counseling at any level;

(c) Substitute teaching at any level in any specialty.

(4) To be eligible for a Transitional School Psychologist License, the applicant must:

(a) Have a master's or higher degree in educational psychology or therapeutic psychology from a regionally accredited institution or approved foreign equivalent;

(b) Hold an unrestricted school psychologist license or certificate in any state or comparable jurisdiction; and

(c) Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application. (See also, OAR 584-036-0062 for Criminal Records Check Requirement.)

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495, 342.533

Hist.: TSPC 3-1999, f. & cert. ef. 7-15-99; TSPC 9-1999, f. & cert. ef. 11-22-99; TSPC 5-2001, f. & cert. ef. 12-13-01; TSPC 7-2008, f. & cert. ef. 8-20-08; TSPC 10-2010, f. 12-30-10, cert. ef. 1-1-11; TSPC 5-2012, f. & cert. ef. 5-18-12; TSPC 2-2014, f. & cert. ef. 3-15-14; TSPC 5-2014, f. & cert. ef. 8-5-14

584-080-0008

Scope of Administrator Licenses and Registrations

The Initial, Continuing or Transitional administrator license or Charter School Administrator Registration authorizes the holder to perform duties as follows:

(1) An administrator license or registration is required to:

(a) Evaluate licensed personnel;

(b) Discipline licensed personnel; or

(c) Authorize out-of-school suspension or expulsion of students.

(2) An administrator license or registration is not required to:

(a) Prepare evaluation materials of licensed personnel, if a licensed administrator has responsibility for completing the evaluations;

(b) Evaluate coaching staff, if a licensed or registered administrator has final responsibility for the coaching staff evaluations;

(c) Recruit licensed, registered or classified staff;

(d) Supervise, evaluate, or discipline classified staff; or

(e) Authorize expenditure of funds, if expenditures are made according to approved district and school-wide plans.

Stat. Auth.: ORS 342

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

Hist.: TSPC 6-2011, f. 8-15-11, cert. ef. 9-1-11; TSPC 1-2014(Temp), f. & cert. ef. 3-15-14 thru 9-10-14; TSPC 5-2014, f. & cert. ef. 8-5-14

584-080-0012

Initial Administrator License (IAL)

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant may be granted an Initial Administrator License.

(2) The Initial Administrator License is valid for three (3) years and may be renewed under the conditions set forth in subsections below.

(3) The Initial Administrator License is valid for school administration at all age or grade levels in any administrative position. This license is also valid for substitute teaching at any level in any specialty.

(4) To be eligible for an Initial Administrator License, an applicant must satisfy all of the following provisions within this subsection. The applicant must:

(a) Educator Fitness: Possess the personal qualifications for licensure including attainment of at least eighteen (18) years of age and possessing good moral character and mental and physical health necessary for employment as an educator;

(b) Licensed Experience: Have three (3) academic years of experience as a full-time licensed educator on any license appropriate for the assignment in:

(A) A public school or regionally accredited private school in any state or other U.S. jurisdiction; or

(B) In one or more of the following schools in Oregon:

(i) An education service district school;

(ii) A state-operated or state-supported school;

(iii) A federal school;

(iv) A private elementary or secondary school registered by the state Department of Education; or

(v) A private proprietary career school licensed by the superintendent of public instruction.

(c) Master's Degree: Hold a master's or higher degree in the arts and sciences or an advanced degree in the professions from a regionally accredited institution in the United States, or the foreign equivalent of such degree approved by the commission, together with an equally accredited bachelor's degree;

ADMINISTRATIVE RULES

(d)(A) Approved Administrator Program: Complete, as part of the master's degree or separately, an initial graduate program in school administration at an institution approved for administrator education;

(B) A candidate for initial licensure who has completed an administrator preparation program outside the state of Oregon must:

(i) Have completed at least eighteen (18) semester hours or twenty-seven (27) quarter hours of graduate credit in school administration or educational leadership; and

(ii) Receive a passing score on tests of knowledge of Oregon school law and finance at the conclusion of or in lieu of a course or courses approved by the commission.

(e) Civil Rights: Obtain a passing score on a commission-adopted test of knowledge of U.S. and Oregon civil rights laws and professional ethics. An emergency license will be issued for ninety (90) days during which time the applicant must complete the civil rights requirement; and

(f) Fingerprints: Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application. (See OAR 584-036-0062 for Criminal Records Check Requirement.)

(5) Renewal: The Initial Administrator License may be renewed up to two (2) times if the applicant makes progress or has made progress toward completion of the Continuing Administrator License by completing at least six (6) semester hours or nine (9) quarter hours of academic credit in an state approved administrative licensure preparation program or its equivalent upon each renewal application. A transcript of the completed coursework is required for renewal.

(6) Reinstatement for Administrator Experience: An applicant may reinstate an expired Initial Administrator License for one (1) three-year period for the purposes of completing the administrative experience requirements for the Continuing Administrator License under the following conditions:

(a) The applicant has completed all requirements for the CAL except for the administrative experience required;

(b) The application includes a request from a district for reinstatement.

(7) Superintendency on the Initial Administrative License: The Continuing Administrator Licensure program or the equivalent graduate hours in an approved administrator preparation program must be completed within the three (3) years following the next renewal of the Initial Administrator License if the holder of an Initial Administrator License takes a position as a superintendent in Oregon at any time within the life of the Initial Administrator License.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.120, 342.147 & 342.165
Hist.: TSPC 10-2006(Temp), f. 6-15-06, cert. ef. 7-1-06 thru 12-27-06; TSPC 13-2006, f. & cert. ef. 11-22-06; TSPC 7-2008, f. & cert. ef. 8-20-08; TSPC 3-2009(Temp), f. & cert. ef. 5-15-09 thru 11-11-09; TSPC 5-2009, f. & cert. ef. 10-5-09; TSPC 4-2010, f. & cert. ef. 7-15-10; TSPC 2-2014, f. & cert. ef. 3-15-14; TSPC 5-2014, f. & cert. ef. 8-5-14

584-100-0061

Special Education Teachers Generally

(1) All special education teachers who are providing direct instruction in core academic subjects in any public school environment must meet the federal definition for "highly qualified teacher."

(2) Special educators who do not provide direct instruction to special education students in any core academic subject, or who provide only consultation to highly qualified teachers of core academic subjects in adapting curricula, using behavioral supports and interventions, and selecting appropriate accommodations, are not required to meet the federal definitions for highly qualified special education teachers.

(3) A special education teacher must meet the federal definitions for highly qualified teacher including, but not limited to, when teaching under the following circumstances:

(a) Teaching life skills to students;

(b) Teaching elective credits in core academic areas;

(c) Providing direct instruction in a core academic subject in a resource room setting if not supplemental to instruction in the same subject being provided by another teacher meeting the definition of "highly qualified teacher"; and

(d) Providing the only direct instruction in a core academic subject in any setting.

(4) Direct instruction for the purposes of this rule is planning curriculum, delivering instruction, granting credit and evaluating the performance of the student in any core academic area.

(5) A Charter School Teacher Registry will not be issued for special education unless the applicant has previously held a full state license as a special education teacher.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.125
Hist.: TSPC 2-2004, f. & cert. ef. 3-17-04; TSPC 2-2006(Temp), f. & cert. ef. 2-3-06 thru 8-2-06; TSPC 8-2006, f. 5-15-06, cert. ef. 7-1-06; TSPC 3-2013, f. & cert. ef. 8-19-13; TSPC 1-2014(Temp), f. & cert. ef. 3-15-14 thru 9-10-14; TSPC 5-2014, f. & cert. ef. 8-5-14

584-100-0066

Highly Qualified Elementary Special Education Teacher (K-8)

Special Education teachers who are new or not new to the profession and who are providing direct instruction in core academic subjects in grades kindergarten (k) through grades eight (8) to students identified as special education students are highly qualified under the following conditions. The teacher:

(1) Holds a Basic, Standard, Initial, Professional, or Five-Year Elementary Teaching License, with a special education endorsement and is appropriately assigned on that license; or

(2) Has held a Basic, Standard, Initial, Professional, or Five-Year Elementary Teaching License if applying for a Charter School Teacher Registration for Special Education at the early childhood and elementary grade authorization levels; and

(3) Meets the federal definition of Highly Qualified Teacher for elementary teachers pursuant to OAR 584-100-0011 if new to the profession; or

(4) Meets the federal definition of Highly Qualified Teacher for elementary teachers pursuant to OAR 584-100-0016 if not new to the profession; and

(5) Teaches only in kindergarten (k) through grade eight (8) in a self-contained special education classrooms in any public school environment.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.125
Hist.: TSPC 2-2004, f. & cert. ef. 3-17-04; TSPC 2-2006(Temp), f. & cert. ef. 2-3-06 thru 8-2-06; TSPC 8-2006, f. 5-15-06, cert. ef. 7-1-06; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 1-2014(Temp), f. & cert. ef. 3-15-14 thru 9-10-14; TSPC 5-2014, f. & cert. ef. 8-5-14

584-100-0071

Highly Qualified Secondary Special Education Teacher (9-12)

Special Education teachers who are new or not new to the profession and who are providing direct instruction in core academic subjects in grades nine (9) through grades twelve (12) to students identified as special education students are highly qualified under the following conditions. The teacher:

(1) Holds a Basic, Standard, Initial, Professional, or Five-Year Teaching License, with a special education endorsement and is properly assigned in accordance with endorsement; or

(2) Has held a Basic, Standard, Initial, Professional, or Five-Year Elementary Teaching License if applying for a Charter School Teacher Registration for Special Education at the middle level and high school grade authorization levels; and

(3) Has met the federal definition for highly qualified elementary teacher new or not new to the profession and is teaching special education students who are performing at or below grade eight (8) and who qualify for alternate assessment in accordance with the Education and Secondary Education Act (ESEA); or

(4) Has met the federal definition for highly qualified secondary teacher new or not new to the profession for each core academic subject the teacher is teaching to students above the eighth (8th) grade level who do not qualify for alternate assessment.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.125
Hist.: TSPC 2-2004, f. & cert. ef. 3-17-04; TSPC 10-2004(Temp), f. & cert. ef. 10-20-04 thru 3-1-05; TSPC 1-2005, f. & cert. ef. 1-21-05; TSPC 2-2006(Temp), f. & cert. ef. 2-3-06 thru 8-2-06; TSPC 8-2006, f. 5-15-06, cert. ef. 7-1-06; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 1-2014(Temp), f. & cert. ef. 3-15-14 thru 9-10-14; TSPC 5-2014, f. & cert. ef. 8-5-14

Rule Caption: Amends rules related to professional educator licenses.

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

Filed with Sec. of State: 8-5-2014

Certified to be Effective: 8-6-14 thru 2-2-15

Notice Publication Date:

Rules Amended: 584-060-0012, 584-060-0182, 584-060-0250

Subject: Makes the amount of days a substitute may work in a school year "unlimited" in terms of total days worked. Reduces the term of the substitute license from three years to one year and also

ADMINISTRATIVE RULES

make sure that continuing professional development is completed prior to renewal.

Eliminates the requirement that educators must qualify for an Initial II Teaching License upon expiration of ten years following the date the first Initial or Initial I Teaching License is issued.

Eliminates the requirements that Licenses for Conditional Assignment only be issued for special education assignments that are supplementary to highly qualified core academic subjects areas. Eliminates the restriction that the holder of the LCA must not be solely responsible for delivering direct instruction of core academic content matter to students on an IEP.

Rules Coordinator: Victoria Chamberlain—(503) 378-6813

584-060-0012

Initial I Teaching License Requirements

(1) Upon filing a correct and complete application in form and manner prescribed by the Commission, a qualified applicant may be granted an Initial I Teaching License for three years. The first license will be issued for three years plus time to the applicant's birthday.

(2) The Initial I Teaching License is valid for regular teaching at one or more designated authorization levels in one or more designated specialties and for substitute teaching at any level in any specialty.

(3) To be eligible for an Initial I Teaching License, an applicant must:

(a) Possess the personal qualifications for licensure including attainment of at least eighteen years of age and possessing good moral character and mental and physical health necessary for employment as an educator; and

(b) Hold a bachelor's degree or higher from a regionally accredited institution in the United States, or the foreign equivalent of such degree approved by the Commission. A master's degree or a doctoral degree from a regionally accredited institution in the United States validates a non-regionally accredited bachelor's degree for licensure; and

(c) Complete an initial teacher education program approved by the Commission in Oregon, or complete a state-approved teacher preparation program in any U.S. jurisdiction, or complete a foreign program evaluated as satisfactory by an Oregon institution approved to offer the corresponding program; and

(d) Receive a passing score as currently specified by the Commission on each of one or more tests of subject mastery for license endorsement or authorization;

(e) Receive a passing score as currently specified by the Commission on a test of basic verbal and computational skills;

(f) Obtain a passing score on a test of knowledge of U.S. and Oregon civil rights laws and professional ethics; and

(g) Furnish fingerprints in the manner prescribed by the Commission and provide satisfactory responses to the character questions contained in the Commission's licensure application.

(4) Applicants who have completed programs from states other than Oregon will be required to submit:

(a) A non-provisional license from another state or NASDTEC jurisdiction valid for unrestricted full time teaching; and

(b) Transcripts, verifying completion of the teacher education program;

(A) A teaching license issued by the U.S. Department of Defense will be considered as a license from another state.

(B) Completion of alternative route teaching programs resulting in licensure through school districts or other avenues are subject to Executive Director approval.

(5) Applicants who have completed programs from states other than Oregon will be required to submit:

(a) Transcripts, verifying completion of the teacher education program; and

(b) A non-provisional license from another state valid for unrestricted full time teaching.

(A) A teaching license issued by the U.S. Department of Defense or another National Association of State Directors of Teacher Education and Certification (NASDTEC) jurisdiction will be considered as a license from another state.

(B) Completion of alternative route teaching programs resulting in licensure through school districts or other avenues are subject to Executive Director approval.

(6) The Initial I Teaching License may be renewed two times for three years upon showing progress toward completion of the Initial II eligibility requirements during the life of the Initial I Teaching License under the fol-

lowing conditions. The progress must meet or exceed the equivalent of 3 semester hours or 4.5 quarter hours of graduate coursework germane to the license or directly germane to public school employment at each renewal period.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.165 & 342.136

Hist.: TSPC 1-2005, f. & cert. ef. 1-21-05; TSPC 5-2005(Temp), f. & cert. ef. 7-1-05 thru 12-28-05; TSPC 7-2005, f. & cert. ef. 8-24-05; TSPC 1-2007(Temp), f. & cert. ef. 3-30-07 thru 9-26-07; Administrative correction 10-16-07; TSPC 7-2007, f. & cert. ef. 12-14-07; TSPC 2-2008, f. & cert. ef. 4-15-08; TSPC 7-2008, f. & cert. ef. 8-20-08; TSPC 3-2009(Temp), f. & cert. ef. 5-15-09 thru 11-11-09; TSPC 6-2009, f. & cert. ef. 11-2-09; TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 3-2013, f. & cert. ef. 8-19-13; TSPC 2-2014, f. & cert. ef. 3-15-14; TSPC 6-2014(Temp), f. 8-5-14, cert. ef. 8-6-14 thru 2-2-15

584-060-0182

Restricted Substitute License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant and a co-applying district or districts may be granted a Restricted Substitute Teaching License.

(a) The Restricted Substitute Teaching License is valid for substitute teaching at any level in any specialty to replace a teacher who is temporarily unable to work.

(b) The license is valid for one year or less and expires on June 30 of each school year for which it is issued.

(c) Districts who did not co-apply with the applicant may request permission to add the substitute to their district upon filing an additional application and fee.

(d) Any single assignment on this license may not exceed 10 days consecutively under any circumstances. [See subsection (4) below for further information.]

(2) To be eligible for a Restricted Substitute Teaching License, the applicant must:

(a)(A) Hold a bachelor's degree or higher from a regionally accredited institution or an approved foreign equivalent;

(B) Awarding of a higher degree in the arts and sciences or an advanced degree in the professions from a regionally accredited institution in the United States validates a non-regionally accredited bachelor's degree for licensure;

(b) Furnish fingerprints in the manner prescribed by the commission if the applicant has not been fingerprinted or has not held an active license issued by the commission in the past three years;

(c) Provide a letter from the co-applicant district stating the reasons for the license; and

(d) Obtain a passing score on a commission-approved test of knowledge of U.S. and Oregon civil rights and professional ethics.

(3) To be eligible for renewal of the Restricted Substitute Teaching License an applicant must:

(a) Submit letter from district requesting renewal;

(b) Obtain a passing score as currently specified by the commission on a test of basic verbal and computational skills, unless the applicant has a master's degree; and

(c) Complete three professional development units in accordance with OAR 584, Division 90.

(4)(A) A district and co-applicant educator may apply for an Emergency Teaching License for the holder of a Restricted Substitute Teaching License if the district is unable to obtain a regularly licensed teacher for any position lasting more than ten consecutive days.

(B) The Emergency Teaching License will allow the educator to teach for a time beyond the allowed timelines stated in subsections (1) above.

(C) The Executive Director may approve the Emergency Teaching License upon proof of the district's emergency.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430; 342.455 - 342.495; 342.533

Hist.: TSPC 2-2009, f. & cert. ef. 3-12-09; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10; TSPC 9-2010, f. 12-15-10, cert. ef. 1-1-11; TSPC 6-2014(Temp), f. 8-5-14, cert. ef. 8-6-14 thru 2-2-15

584-060-0250

License for Conditional Assignment

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a school district in Oregon may request a License for Conditional Assignment (LCA) for any educator holding an Initial, Continuing, Basic, Standard or pre-1965 Five-year License.

(2) The purpose of an LCA is to allow a school district to request mis-assignment for an educator to teach in an out-of-field subject-matter endorsement area or at grade-levels for which the educator is not authorized to teach, while the educator completes requirements necessary either to add

ADMINISTRATIVE RULES

the subject-matter endorsement or grade-level authorization to the underlying license or to obtain a new license type.

(3) The LCA is required when teaching out-of-field under any of the following circumstances:

(a) Teaching assignments for more than 10 hours weekly in one subject-matter area without the appropriate subject-matter endorsement;

(b) Assignment at any grade level not held on the underlying license;
EXAMPLE: A high school authorized teacher teaching in grade 4 would require an LCA for any amount of time teaching outside of her grade level.

EXAMPLE: A physical education teacher without a health endorsement teaching health three periods of the day would require a LCA for health. If only teaching two periods a day; that would fall under the 10 hours per week threshold.

(c) Teaching in more than one unendorsed subject-matter endorsement area for any amount of time; or

EXAMPLE: If the physical education teacher above was teaching one period of health and one period of math; then an LCA would be required for both areas regardless of the 10 hours per week rule. The 10 hours per week rule applies to one subject only.

(d) Moving from one license to another;

EXAMPLE: A teacher moving to administration; an administrator moving to teaching (if educator does not hold a valid teaching license); a teacher moving to school psychology.

(4) Duration of the LCA: The LCA is a provisional license that provides temporary conditional approval to teach out-of-field under the following conditions:

(a) All LCAs will expire on June 30 following the date the LCA is issued.

(b) For endorsements that require only a test, experience or nine quarter hours or less of coursework, all endorsement requirements must be completed by June 30th following the date the LCA is issued.

(c) For endorsements requiring coursework exceeding nine quarter or six semester hours of coursework, the LCA will not exceed more than three academic years in total. The LCA for these endorsements will be issued as follows:

(A) The first LCA will expire on June 30th following the date the first LCA is issued;

(B) The second LCA will be reauthorized upon application by the educator and the school district upon evidence the educator has completed some coursework toward adding the endorsement and will expire on June 30th following the date the second LCA is issued;

(C) The third LCA will be reauthorized upon application by the educator and the school district and upon evidence the educator has substantially the coursework needed to add the endorsement and will expire on June 30th following the date the third LCA is issued.

(5) The LCA will not be "back dated." Time spent on assignments where the district failed to request the LCA will be deducted from the allowable LCA total (either one year or three years).

(6) The LCA is not renewable and is not eligible for a 120 day grace period beyond its expiration date.

(7) The LCA is not a stand-alone or independent license. The underlying license must be kept current in order for the LCA to remain active. The LCA will not be issued for a duration that exceeds the expiration date of the underlying license. In cases where there is a lapse in the underlying license, the LCA may be re-activated for a time as determined by the Executive Director upon reinstatement of the underlying license.

(8) The district applying for an LCA is assumed to have informed the educator for which the LCA is being requested. Failure to inform the educator may result in an invalid LCA upon a finding by the Commission

that the educator did not grant the district permission to add the LCA to the educator's license.

(9) Licenses not eligible for an LCA include, but are not limited to the following provisional licenses:

(a) Any Restricted Transitional;

(b) Limited Teaching License;

(c) American Indian Language;

(d) Teaching Associate License;

(e) Career and Technical Education Teaching License;

(f) ESEA Alternative Route License;

(g) Substitute Teaching License

(h) Restricted Substitute Teaching License;

(i) Exceptional Administrator License; or

(j) International Teaching License.

(10) Other Special LCA Limitations:

(a) An administrator, school counselor, or school psychologist who has never held a non-provisional teaching license in any state may not be issued an LCA to teach.

(b) An educator seeking conditional assignment as an administrator must hold a master's degree in education to be eligible for the LCA.

(c) Applying educators in either school counseling or school psychology must hold at least a bachelor's degree or master's degree in the respective field of counseling or psychology.

(d) Educators holding a Basic or Standard Teaching License must only seek a LCA for school counseling if the assignment exceeds .50 FTE.

(e) Applying educators must never have held any one of the following licenses or permits endorsed in the subject-matter area or authorized grade-levels in which the educator is seeking to teach out-of-field:

(A) Conditional assignment permit;

(B) Restricted Transitional;

(C) Transitional or out-of-state Initial Teaching License; or

(D) Out of state license in the out-of-field subject-area or grade-levels.

(11) The LCA is restricted to use within the district that has applied for it. A new district may request to transfer the LCA so long as there is time remaining since the date the LCA was first issued.

(12) A district must:

(a) Apply for an LCA by October 31 for the fall term or otherwise within two weeks after the assignment has begun;

(b) Agree to provide professional assistance specific to the assignment for the educator during the first year of the conditional assignment; and

(c) Ensure that federal laws related to Highly Qualified Teachers are taken into account when applying for an LCA.

(13) After an LCA has expired, the educator must have completed all requirements necessary to add the appropriate endorsement, grade-level authorization or new licensure program in order to continue working in the area in which the educator held the LCA. Continuing to work in an out-of-field position on an expired LCA is a violation of licensure law and is unauthorized. The license-holder or the assigning administrator or both may be subject to sanctions by the commission pursuant to OAR 584-020-0040.

Stat. Auth.: ORS 342

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

Hist.: TSPC 8-2011, f. 12-15-11, cert. ef. 1-15-12; TSPC 3-2013, f. & cert. ef. 8-19-13; TSPC 5-2014, f. & cert. ef. 8-5-14; TSPC 6-2014(Temp), f. 8-5-14, cert. ef. 8-6-14 thru 2-2-15

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
101-010-0005	6-9-2014	Amend(T)	7-1-2014	111-070-0030	7-31-2014	Amend(T)	9-1-2014
101-070-0001	12-17-2013	Adopt(T)	2-1-2014	111-070-0040	7-31-2014	Amend(T)	9-1-2014
101-070-0001	5-1-2014	Adopt	6-1-2014	115-025-0005	3-14-2014	Amend(T)	4-1-2014
101-070-0001(T)	5-1-2014	Repeal	6-1-2014	115-025-0010	3-14-2014	Amend(T)	4-1-2014
101-070-0005	12-17-2013	Adopt(T)	2-1-2014	115-025-0030	3-14-2014	Amend(T)	4-1-2014
101-070-0005	5-1-2014	Adopt	6-1-2014	115-025-0065	3-14-2014	Amend(T)	4-1-2014
101-070-0005(T)	5-1-2014	Repeal	6-1-2014	115-025-0070	3-14-2014	Amend(T)	4-1-2014
104-020-0000	1-1-2014	Amend	2-1-2014	115-025-0075	3-14-2014	Amend(T)	4-1-2014
104-020-0010	1-1-2014	Amend	2-1-2014	123-006-0035	12-30-2013	Amend(T)	2-1-2014
104-020-0020	1-1-2014	Amend	2-1-2014	123-006-0035	3-3-2014	Amend	4-1-2014
104-020-0030	1-1-2014	Amend	2-1-2014	123-015-0100	4-1-2014	Adopt	5-1-2014
104-020-0040	1-1-2014	Amend	2-1-2014	123-015-0200	4-1-2014	Adopt	5-1-2014
105-010-0018	1-1-2014	Adopt(T)	2-1-2014	123-015-0300	4-1-2014	Adopt	5-1-2014
111-010-0015	11-19-2013	Amend(T)	1-1-2014	123-015-0400	4-1-2014	Adopt	5-1-2014
111-010-0015	12-27-2013	Amend	2-1-2014	123-015-0500	4-1-2014	Adopt	5-1-2014
111-010-0015	12-27-2013	Amend(T)	2-1-2014	123-019-0010	7-1-2014	Amend	8-1-2014
111-010-0015	3-7-2014	Amend	4-1-2014	123-019-0020	7-1-2014	Amend	8-1-2014
111-010-0015(T)	12-27-2013	Repeal	2-1-2014	123-019-0030	7-1-2014	Amend	8-1-2014
111-010-0015(T)	3-7-2014	Repeal	4-1-2014	123-019-0040	7-1-2014	Amend	8-1-2014
111-020-0001	12-27-2013	Amend	2-1-2014	123-019-0050	7-1-2014	Amend	8-1-2014
111-020-0001(T)	12-27-2013	Repeal	2-1-2014	123-019-0060	7-1-2014	Amend	8-1-2014
111-020-0005	12-27-2013	Amend	2-1-2014	123-019-0100	7-1-2014	Amend	8-1-2014
111-020-0005(T)	12-27-2013	Repeal	2-1-2014	123-024-0011	3-3-2014	Amend	4-1-2014
111-020-0010	12-27-2013	Adopt	2-1-2014	123-024-0031	3-3-2014	Amend	4-1-2014
111-020-0010	7-22-2014	Amend	9-1-2014	123-025-0025	3-3-2014	Amend	4-1-2014
111-020-0010(T)	12-27-2013	Repeal	2-1-2014	123-043-0010	1-1-2014	Amend	2-1-2014
111-030-0050	12-27-2013	Amend	2-1-2014	123-043-0015	1-1-2014	Amend	2-1-2014
111-030-0050(T)	12-27-2013	Repeal	2-1-2014	123-043-0025	1-1-2014	Amend	2-1-2014
111-040-0001	12-27-2013	Amend(T)	2-1-2014	123-043-0035	1-1-2014	Amend	2-1-2014
111-040-0001	3-7-2014	Amend	4-1-2014	123-043-0041	1-1-2014	Amend	2-1-2014
111-040-0001(T)	3-7-2014	Repeal	4-1-2014	123-043-0041	6-1-2014	Amend	7-1-2014
111-040-0005	12-27-2013	Amend(T)	2-1-2014	123-043-0055	1-1-2014	Amend	2-1-2014
111-040-0005	3-7-2014	Amend	4-1-2014	123-043-0075	1-1-2014	Amend	2-1-2014
111-040-0005(T)	3-7-2014	Repeal	4-1-2014	123-043-0102	1-1-2014	Amend	2-1-2014
111-040-0010	12-27-2013	Amend(T)	2-1-2014	123-043-0115	1-1-2014	Amend	2-1-2014
111-040-0010	3-7-2014	Amend	4-1-2014	123-051-0100	1-1-2014	Adopt	2-1-2014
111-040-0010(T)	3-7-2014	Repeal	4-1-2014	123-051-0200	1-1-2014	Adopt	2-1-2014
111-040-0011	12-27-2013	Amend(T)	2-1-2014	123-051-0300	1-1-2014	Adopt	2-1-2014
111-040-0011	3-7-2014	Amend	4-1-2014	123-051-0400	1-1-2014	Adopt	2-1-2014
111-040-0011(T)	3-7-2014	Repeal	4-1-2014	123-051-0500	1-1-2014	Adopt	2-1-2014
111-040-0015	12-27-2013	Amend(T)	2-1-2014	123-051-0600	1-1-2014	Adopt	2-1-2014
111-040-0015	3-7-2014	Amend	4-1-2014	123-051-0700	1-1-2014	Adopt	2-1-2014
111-040-0015(T)	3-7-2014	Repeal	4-1-2014	123-051-0800	1-1-2014	Adopt	2-1-2014
111-040-0025	12-27-2013	Amend(T)	2-1-2014	123-051-0900	1-1-2014	Adopt	2-1-2014
111-040-0025	3-7-2014	Amend	4-1-2014	123-051-1000	1-1-2014	Adopt	2-1-2014
111-040-0025(T)	3-7-2014	Repeal	4-1-2014	123-051-1100	1-1-2014	Adopt	2-1-2014
111-040-0030	12-27-2013	Amend(T)	2-1-2014	123-051-1200	1-1-2014	Adopt	2-1-2014
111-040-0030	3-7-2014	Amend	4-1-2014	123-052-0010	4-1-2014	Adopt(T)	5-1-2014
111-040-0030(T)	3-7-2014	Repeal	4-1-2014	123-052-0020	4-1-2014	Adopt(T)	5-1-2014
111-040-0040	12-27-2013	Amend(T)	2-1-2014	123-052-0030	4-1-2014	Adopt(T)	5-1-2014
111-040-0040	3-7-2014	Amend	4-1-2014	123-052-0040	4-1-2014	Adopt(T)	5-1-2014
111-040-0040(T)	3-7-2014	Repeal	4-1-2014	123-052-0050	4-1-2014	Adopt(T)	5-1-2014
111-040-0050	12-27-2013	Amend(T)	2-1-2014	123-052-0060	4-1-2014	Adopt(T)	5-1-2014
111-040-0050	3-7-2014	Amend	4-1-2014	123-052-0070	4-1-2014	Adopt(T)	5-1-2014
111-040-0050(T)	3-7-2014	Repeal	4-1-2014	123-052-0080	4-1-2014	Adopt(T)	5-1-2014
111-070-0005	7-31-2014	Amend(T)	9-1-2014	123-052-0090	4-1-2014	Adopt(T)	5-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
123-052-0100	4-1-2014	Adopt(T)	5-1-2014	123-630-0050(T)	4-1-2014	Repeal	5-1-2014
123-052-0110	4-1-2014	Adopt(T)	5-1-2014	123-630-0060	4-1-2014	Amend	5-1-2014
123-052-0120	4-1-2014	Adopt(T)	5-1-2014	123-630-0060(T)	4-1-2014	Repeal	5-1-2014
123-052-0130	4-1-2014	Adopt(T)	5-1-2014	123-630-0070	4-1-2014	Amend	5-1-2014
123-052-0140	4-1-2014	Adopt(T)	5-1-2014	123-630-0070(T)	4-1-2014	Repeal	5-1-2014
123-052-0150	4-1-2014	Adopt(T)	5-1-2014	123-630-0080	4-1-2014	Amend	5-1-2014
123-061-0010	5-1-2014	Adopt	6-1-2014	123-630-0080(T)	4-1-2014	Repeal	5-1-2014
123-061-0020	5-1-2014	Adopt	6-1-2014	123-630-0090	4-1-2014	Amend	5-1-2014
123-061-0030	5-1-2014	Adopt	6-1-2014	123-630-0090	7-1-2014	Amend	8-1-2014
123-061-0035	5-1-2014	Adopt	6-1-2014	123-630-0090(T)	4-1-2014	Repeal	5-1-2014
123-061-0040	5-1-2014	Adopt	6-1-2014	123-630-0100	4-1-2014	Amend	5-1-2014
123-095-0000	12-1-2013	Amend	1-1-2014	123-630-0100	7-1-2014	Amend	8-1-2014
123-095-0000(T)	12-1-2013	Repeal	1-1-2014	123-630-0100(T)	4-1-2014	Repeal	5-1-2014
123-095-0010	12-1-2013	Amend	1-1-2014	123-630-0110	4-1-2014	Adopt	5-1-2014
123-095-0010(T)	12-1-2013	Repeal	1-1-2014	125-015-0200	4-9-2014	Adopt	5-1-2014
123-095-0020	12-1-2013	Repeal	1-1-2014	125-015-0200(T)	4-9-2014	Repeal	5-1-2014
123-095-0030	12-1-2013	Amend	1-1-2014	125-045-0235	1-1-2014	Amend	2-1-2014
123-095-0030(T)	12-1-2013	Repeal	1-1-2014	125-055-0100	1-1-2014	Amend	2-1-2014
123-095-0035	12-1-2013	Adopt	1-1-2014	125-055-0105	1-1-2014	Amend	2-1-2014
123-095-0035(T)	12-1-2013	Repeal	1-1-2014	125-055-0115	1-1-2014	Amend	2-1-2014
123-095-0040	12-1-2013	Amend	1-1-2014	125-055-0120	1-1-2014	Amend	2-1-2014
123-095-0040(T)	12-1-2013	Repeal	1-1-2014	125-055-0125	1-1-2014	Amend	2-1-2014
123-097-0100	5-1-2014	Adopt	6-1-2014	125-055-0130	1-1-2014	Amend	2-1-2014
123-097-0200	5-1-2014	Adopt	6-1-2014	125-246-0100	1-1-2014	Amend	2-1-2014
123-097-0500	5-1-2014	Adopt	6-1-2014	125-246-0110	1-1-2014	Amend	2-1-2014
123-097-1000	5-1-2014	Adopt	6-1-2014	125-246-0130	1-1-2014	Amend	2-1-2014
123-097-1500	5-1-2014	Adopt	6-1-2014	125-246-0165	1-1-2014	Amend	2-1-2014
123-097-2000	5-1-2014	Adopt	6-1-2014	125-246-0170	1-1-2014	Amend	2-1-2014
123-097-2200	5-1-2014	Adopt	6-1-2014	125-246-0350	1-1-2014	Amend	2-1-2014
123-097-2500	5-1-2014	Adopt	6-1-2014	125-246-0360	1-1-2014	Amend	2-1-2014
123-097-2600	5-1-2014	Adopt	6-1-2014	125-246-0400	1-1-2014	Amend	2-1-2014
123-097-3000	5-1-2014	Adopt	6-1-2014	125-246-0500	1-1-2014	Amend	2-1-2014
123-097-3500	5-1-2014	Adopt	6-1-2014	125-246-0556	1-1-2014	Amend	2-1-2014
123-097-3600	5-1-2014	Adopt	6-1-2014	125-246-0570	1-1-2014	Amend	2-1-2014
123-097-3700	5-1-2014	Adopt	6-1-2014	125-246-0900	1-1-2014	Amend	2-1-2014
123-097-4000	5-1-2014	Adopt	6-1-2014	125-247-0170	1-1-2014	Amend	2-1-2014
123-097-4500	5-1-2014	Adopt	6-1-2014	125-247-0200	1-1-2014	Amend	2-1-2014
123-097-4800	5-1-2014	Adopt	6-1-2014	125-247-0265	1-1-2014	Amend	2-1-2014
123-098-0010	5-1-2014	Adopt	6-1-2014	125-247-0270	1-1-2014	Amend	2-1-2014
123-098-0020	5-1-2014	Adopt	6-1-2014	125-247-0805	1-1-2014	Amend	2-1-2014
123-098-0030	5-1-2014	Adopt	6-1-2014	125-248-0130	1-1-2014	Amend	2-1-2014
123-098-0040	5-1-2014	Adopt	6-1-2014	125-700-0010	5-1-2014	Amend	6-1-2014
123-098-0050	5-1-2014	Adopt	6-1-2014	125-700-0015	5-1-2014	Amend	6-1-2014
123-098-0060	5-1-2014	Adopt	6-1-2014	125-700-0120	5-1-2014	Repeal	6-1-2014
123-098-0070	5-1-2014	Adopt	6-1-2014	125-700-0125	5-1-2014	Amend	6-1-2014
123-630-0000	4-1-2014	Amend	5-1-2014	125-700-0130	5-1-2014	Repeal	6-1-2014
123-630-0000(T)	4-1-2014	Repeal	5-1-2014	125-700-0135	5-1-2014	Amend	6-1-2014
123-630-0010	4-1-2014	Amend	5-1-2014	125-700-0140	5-1-2014	Amend	6-1-2014
123-630-0010(T)	4-1-2014	Repeal	5-1-2014	125-700-0145	5-1-2014	Amend	6-1-2014
123-630-0020	4-1-2014	Amend	5-1-2014	125-700-0150	5-1-2014	Amend	6-1-2014
123-630-0020(T)	4-1-2014	Repeal	5-1-2014	125-700-0155	5-1-2014	Amend	6-1-2014
123-630-0030	4-1-2014	Amend	5-1-2014	137-003-0505	2-1-2014	Amend(T)	3-1-2014
123-630-0030(T)	4-1-2014	Repeal	5-1-2014	137-003-0505	4-1-2014	Amend	5-1-2014
123-630-0040	4-1-2014	Amend	5-1-2014	137-003-0505(T)	4-1-2014	Repeal	5-1-2014
123-630-0040(T)	4-1-2014	Repeal	5-1-2014	137-003-0640	2-1-2014	Amend(T)	3-1-2014
123-630-0050	4-1-2014	Amend	5-1-2014	137-003-0640	4-1-2014	Amend	5-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
137-003-0640(T)	4-1-2014	Repeal	5-1-2014	137-110-0420	1-31-2014	Amend	3-1-2014
137-045-0050	7-11-2014	Amend(T)	8-1-2014	137-110-0430	1-31-2014	Repeal	3-1-2014
137-046-0130	7-1-2014	Amend(T)	8-1-2014	137-110-0500	1-31-2014	Repeal	3-1-2014
137-047-0260	7-1-2014	Amend(T)	8-1-2014	137-110-0510	1-31-2014	Repeal	3-1-2014
137-047-0265	7-1-2014	Amend(T)	8-1-2014	137-110-0520	1-31-2014	Repeal	3-1-2014
137-047-0270	7-1-2014	Amend(T)	8-1-2014	137-110-0600	1-31-2014	Amend	3-1-2014
137-047-0300	7-1-2014	Amend(T)	8-1-2014	137-110-0605	1-31-2014	Adopt	3-1-2014
137-047-0450	7-1-2014	Amend(T)	8-1-2014	137-110-0610	1-31-2014	Amend	3-1-2014
137-047-0560	7-1-2014	Amend(T)	8-1-2014	137-110-0620	1-31-2014	Amend	3-1-2014
137-048-0130	7-1-2014	Amend(T)	8-1-2014	137-110-0630	1-31-2014	Amend	3-1-2014
137-048-0210	7-1-2014	Amend(T)	8-1-2014	137-110-0640	1-31-2014	Amend	3-1-2014
137-048-0220	7-1-2014	Amend(T)	8-1-2014	137-110-0650	1-31-2014	Amend	3-1-2014
137-049-0100	7-1-2014	Amend(T)	8-1-2014	137-110-0660	1-31-2014	Repeal	3-1-2014
137-049-0120	7-1-2014	Amend(T)	8-1-2014	137-110-0670	1-31-2014	Amend	3-1-2014
137-049-0130	7-1-2014	Amend(T)	8-1-2014	137-110-0675	1-31-2014	Adopt	3-1-2014
137-049-0380	7-1-2014	Amend(T)	8-1-2014	137-120-0010	1-31-2014	Repeal	3-1-2014
137-049-0600	7-1-2014	Amend(T)	8-1-2014	137-120-0020	1-31-2014	Amend	3-1-2014
137-049-0610	7-1-2014	Amend(T)	8-1-2014	141-030-0015	2-1-2014	Amend	2-1-2014
137-049-0620	7-1-2014	Amend(T)	8-1-2014	141-030-0025	2-1-2014	Amend	2-1-2014
137-049-0630	7-1-2014	Amend(T)	8-1-2014	141-030-0036	2-1-2014	Repeal	2-1-2014
137-049-0640	7-1-2014	Amend(T)	8-1-2014	141-030-0037	2-1-2014	Amend	2-1-2014
137-049-0650	7-1-2014	Amend(T)	8-1-2014	141-035-0012	2-1-2014	Amend	2-1-2014
137-049-0660	7-1-2014	Amend(T)	8-1-2014	141-035-0013	2-1-2014	Amend	2-1-2014
137-049-0690	7-1-2014	Amend(T)	8-1-2014	141-035-0015	2-1-2014	Repeal	2-1-2014
137-049-0820	7-1-2014	Amend(T)	8-1-2014	141-035-0016	2-1-2014	Amend	2-1-2014
137-050-0710	5-22-2014	Amend	7-1-2014	141-035-0018	2-1-2014	Amend	2-1-2014
137-050-0735	5-22-2014	Amend	7-1-2014	141-035-0020	2-1-2014	Amend	2-1-2014
137-050-0740	5-22-2014	Amend	7-1-2014	141-035-0025	2-1-2014	Amend	2-1-2014
137-050-0745	5-22-2014	Amend	7-1-2014	141-035-0030	2-1-2014	Amend	2-1-2014
137-050-0755	5-22-2014	Amend	7-1-2014	141-035-0035	2-1-2014	Amend	2-1-2014
137-055-1100	4-1-2014	Amend	5-1-2014	141-035-0040	2-1-2014	Amend	2-1-2014
137-055-2045	5-22-2014	Amend	7-1-2014	141-035-0045	2-1-2014	Amend	2-1-2014
137-055-2170	1-13-2014	Amend(T)	2-1-2014	141-035-0047	2-1-2014	Amend	2-1-2014
137-055-2170	5-22-2014	Amend	7-1-2014	141-035-0048	2-1-2014	Amend	2-1-2014
137-055-2170(T)	5-22-2014	Repeal	7-1-2014	141-035-0050	2-1-2014	Amend	2-1-2014
137-055-3300	4-1-2014	Amend	5-1-2014	141-035-0065	2-1-2014	Amend	2-1-2014
137-055-3360	4-1-2014	Amend	5-1-2014	141-035-0068	2-1-2014	Amend	2-1-2014
137-055-3420	1-13-2014	Amend(T)	2-1-2014	141-040-0020	2-1-2014	Amend	2-1-2014
137-055-3420	5-22-2014	Amend	7-1-2014	141-040-0214	2-1-2014	Amend	2-1-2014
137-055-3420(T)	5-22-2014	Repeal	7-1-2014	141-045-0010	2-1-2014	Amend	2-1-2014
137-055-3435	4-1-2014	Amend	5-1-2014	141-045-0031	2-1-2014	Amend	2-1-2014
137-055-3660	4-1-2014	Amend	5-1-2014	141-045-0041	2-1-2014	Amend	2-1-2014
137-055-5510	4-1-2014	Amend	5-1-2014	141-045-0061	2-1-2014	Amend	2-1-2014
137-055-6024	5-22-2014	Amend	7-1-2014	141-045-0100	2-1-2014	Amend	2-1-2014
137-055-6120	4-1-2014	Amend	5-1-2014	141-085-0510	9-1-2014	Amend	9-1-2014
137-055-7180	4-1-2014	Amend	5-1-2014	141-085-0520	9-1-2014	Amend	9-1-2014
137-084-0500	4-1-2014	Amend	5-1-2014	141-085-0530	9-1-2014	Amend	9-1-2014
137-110-0001	1-31-2014	Repeal	3-1-2014	141-085-0534	9-1-2014	Amend	9-1-2014
137-110-0005	1-31-2014	Repeal	3-1-2014	141-085-0550	9-1-2014	Amend	9-1-2014
137-110-0010	1-31-2014	Amend	3-1-2014	141-085-0560	9-1-2014	Amend	9-1-2014
137-110-0020	1-31-2014	Repeal	3-1-2014	141-085-0575	9-1-2014	Amend	9-1-2014
137-110-0110	1-31-2014	Amend	3-1-2014	141-085-0680	9-1-2014	Amend	9-1-2014
137-110-0200	1-31-2014	Amend	3-1-2014	141-085-0725	9-1-2014	Amend	9-1-2014
137-110-0210	1-31-2014	Amend	3-1-2014	141-085-0735	9-1-2014	Amend	9-1-2014
137-110-0300	1-31-2014	Adopt	3-1-2014	141-085-0750	9-1-2014	Amend	9-1-2014
137-110-0410	1-31-2014	Amend	3-1-2014	141-085-0755	9-1-2014	Amend	9-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
141-085-0760	9-1-2014	Repeal	9-1-2014	150-305.655	1-1-2014	Repeal	2-1-2014
141-085-0768	9-1-2014	Adopt	9-1-2014	150-305.810	12-26-2013	Amend	2-1-2014
141-085-0775	9-1-2014	Amend	9-1-2014	150-305.810	7-31-2014	Amend	9-1-2014
141-089-0640	1-1-2014	Amend	1-1-2014	150-306.132	7-31-2014	Amend	9-1-2014
141-089-0645	1-1-2014	Amend	1-1-2014	150-306.135	1-1-2014	Amend	2-1-2014
141-089-0820	1-1-2014	Amend	1-1-2014	150-307.166	7-31-2014	Amend	9-1-2014
141-089-0825	1-1-2014	Amend	1-1-2014	150-307.175	7-31-2014	Amend	9-1-2014
141-089-0830	1-1-2014	Amend	1-1-2014	150-307.475	7-31-2014	Amend	9-1-2014
141-089-0835	1-1-2014	Amend	1-1-2014	150-307.547	7-31-2014	Amend	9-1-2014
141-145-0000	2-1-2014	Adopt	2-1-2014	150-308.010	1-1-2014	Amend	2-1-2014
141-145-0005	2-1-2014	Adopt	2-1-2014	150-308.290-(A)	7-31-2014	Amend	9-1-2014
141-145-0010	2-1-2014	Adopt	2-1-2014	150-308.515(1)(h)	7-31-2014	Repeal	9-1-2014
141-145-0015	2-1-2014	Adopt	2-1-2014	150-308A.056(1)(g)	7-31-2014	Adopt	9-1-2014
141-145-0020	2-1-2014	Adopt	2-1-2014	150-308A.092	7-31-2014	Amend	9-1-2014
141-145-0025	2-1-2014	Adopt	2-1-2014	150-308A.724	1-1-2014	Repeal	2-1-2014
141-145-0030	2-1-2014	Adopt	2-1-2014	150-309.100(3)-(B)	1-1-2014	Amend	2-1-2014
141-145-0035	2-1-2014	Adopt	2-1-2014	150-309.110-(A)	8-11-2014	Amend	9-1-2014
141-145-0040	2-1-2014	Adopt	2-1-2014	150-309.110(1)-(A)	1-1-2014	Amend	2-1-2014
141-145-0045	2-1-2014	Adopt	2-1-2014	150-311.223(4)	1-1-2014	Amend	2-1-2014
141-145-0050	2-1-2014	Adopt	2-1-2014	150-311.674	1-1-2014	Repeal	2-1-2014
141-145-0055	2-1-2014	Adopt	2-1-2014	150-311.686(2)	7-31-2014	Repeal	9-1-2014
141-145-0060	2-1-2014	Adopt	2-1-2014	150-311.689	1-1-2014	Repeal	2-1-2014
141-145-0065	2-1-2014	Adopt	2-1-2014	150-311.691	7-31-2014	Amend	9-1-2014
141-145-0070	2-1-2014	Adopt	2-1-2014	150-314.280(3)	1-1-2014	Amend	2-1-2014
141-145-0075	2-1-2014	Adopt	2-1-2014	150-314.360	7-31-2014	Amend	9-1-2014
141-145-0080	2-1-2014	Adopt	2-1-2014	150-314.380(2)-(B)	1-1-2014	Amend	2-1-2014
141-145-0085	2-1-2014	Adopt	2-1-2014	150-314.385(4)	12-26-2013	Amend	2-1-2014
141-145-0090	2-1-2014	Adopt	2-1-2014	150-314.410(2)	7-31-2014	Amend	9-1-2014
150-118.005	12-26-2013	Adopt	2-1-2014	150-314.410(4)	1-1-2014	Amend	2-1-2014
150-118.010	12-26-2013	Adopt	2-1-2014	150-314.415(7)	12-26-2013	Amend	2-1-2014
150-118.010(1)	12-26-2013	Amend	2-1-2014	150-314.665(1)-(A)	7-31-2014	Amend	9-1-2014
150-118.010(2)	12-26-2013	Amend	2-1-2014	150-314.775	1-1-2014	Amend	2-1-2014
150-118.010(3)	12-26-2013	Amend	2-1-2014	150-314.778	1-1-2014	Amend	2-1-2014
150-118.010(4)(b)	12-26-2013	Amend	2-1-2014	150-314.HB2071(B)	12-26-2013	Renumber	2-1-2014
150-118.010(7)	12-26-2013	Amend	2-1-2014	150-315.068	1-1-2014	Amend	2-1-2014
150-118.010(8)	12-26-2013	Adopt	2-1-2014	150-315.141	7-31-2014	Repeal	9-1-2014
150-118.100(1)	12-26-2013	Amend	2-1-2014	150-315.164	7-31-2014	Amend	9-1-2014
150-118.100(6)	12-26-2013	Adopt	2-1-2014	150-315.204-(A)	1-1-2014	Amend	2-1-2014
150-118.140	12-26-2013	Amend	2-1-2014	150-315.304(9)	1-1-2014	Amend	2-1-2014
150-118.160	12-26-2013	Adopt	2-1-2014	150-315.514	12-26-2013	Amend	2-1-2014
150-118.160-(B)	12-26-2013	Amend	2-1-2014	150-316.014	12-26-2013	Am. & Ren.	2-1-2014
150-118.171	12-26-2013	Amend	2-1-2014	150-316.102	1-1-2014	Amend	2-1-2014
150-118.225	12-26-2013	Amend	2-1-2014	150-316.127-(A)	7-31-2014	Amend	9-1-2014
150-118.250(1)	12-26-2013	Am. & Ren.	2-1-2014	150-316.127(10)	1-1-2014	Amend	2-1-2014
150-118.260	12-26-2013	Adopt	2-1-2014	150-316.202(3)	7-31-2014	Amend	9-1-2014
150-118.260(6)	12-26-2013	Amend	2-1-2014	150-316.368	1-1-2014	Amend	2-1-2014
150-118.265	12-26-2013	Adopt	2-1-2014	150-316.587(8)-(A)	7-31-2014	Amend	9-1-2014
150-118.300	12-26-2013	Amend	2-1-2014	150-316.680(1)(c)-(A)	1-1-2014	Repeal	2-1-2014
150-137.300(3)	12-26-2013	Am. & Ren.	2-1-2014	150-316.680(1)(c)-(B)	1-1-2014	Repeal	2-1-2014
150-294.352(1)-(B)	7-31-2014	Repeal	9-1-2014	150-316.693	1-1-2014	Adopt	2-1-2014
150-294.456(3)	7-31-2014	Amend	9-1-2014	150-316.789	1-1-2014	Repeal	2-1-2014
150-305.100-(D)	7-31-2014	Adopt	9-1-2014	150-316.791	1-1-2014	Repeal	2-1-2014
150-305.145(3)	1-1-2014	Amend	2-1-2014	150-316.792	1-1-2014	Adopt	2-1-2014
150-305.145(5)	7-31-2014	Adopt	9-1-2014	150-317.010(4)	1-1-2014	Amend	2-1-2014
150-305.230	1-1-2014	Amend	2-1-2014	150-317.067	1-1-2014	Amend	2-1-2014
150-305.285	1-1-2014	Amend	2-1-2014	150-317.147	7-31-2014	Amend	9-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
150-317.314	7-31-2014	Amend	9-1-2014	165-010-0005	1-2-2014	Amend	2-1-2014
150-317.715(2)-(A)	7-31-2014	Am. & Ren.	9-1-2014	165-010-0080	1-2-2014	Repeal	2-1-2014
150-317.715(2)-(B)	7-31-2014	Am. & Ren.	9-1-2014	165-012-0005	1-2-2014	Amend	2-1-2014
150-317.715(3)(b)	7-31-2014	Am. & Ren.	9-1-2014	165-012-0240	1-2-2014	Amend	2-1-2014
150-317.715(5)	7-31-2014	Adopt	9-1-2014	165-013-0010	1-2-2014	Amend	2-1-2014
150-323.105	7-31-2014	Amend	9-1-2014	165-014-0005	1-2-2014	Amend	2-1-2014
150-323.106	7-31-2014	Adopt	9-1-2014	165-014-0030	1-7-2014	Amend	2-1-2014
150-323.520	7-31-2014	Amend	9-1-2014	165-016-0000	3-11-2014	Adopt	4-1-2014
150-457.440(9)	1-1-2014	Amend	2-1-2014	165-016-0040	3-11-2014	Repeal	4-1-2014
160-010-0700	1-1-2014	Adopt	2-1-2014	165-016-0045	3-11-2014	Repeal	4-1-2014
160-010-0700	1-3-2014	Adopt	2-1-2014	165-016-0050	3-11-2014	Repeal	4-1-2014
160-010-0701	1-1-2014	Adopt	2-1-2014	165-016-0055	3-11-2014	Repeal	4-1-2014
160-010-0701	1-3-2014	Adopt	2-1-2014	165-016-0060	3-11-2014	Repeal	4-1-2014
160-010-0710	1-1-2014	Adopt	2-1-2014	165-016-0070	3-11-2014	Repeal	4-1-2014
160-010-0710	1-3-2014	Adopt	2-1-2014	165-016-0080	3-11-2014	Repeal	4-1-2014
160-010-0720	1-1-2014	Adopt	2-1-2014	165-016-0100	3-11-2014	Repeal	4-1-2014
160-010-0720	1-3-2014	Adopt	2-1-2014	165-016-0105	3-11-2014	Repeal	4-1-2014
160-100-0000	3-6-2014	Amend	4-1-2014	165-016-2014	2-13-2014	Adopt(T)	3-1-2014
161-006-0155	1-1-2014	Amend(T)	2-1-2014	165-020-0025	1-2-2014	Repeal	2-1-2014
161-006-0155	4-22-2014	Amend	6-1-2014	166-005-0010	2-25-2014	Amend	4-1-2014
161-006-0155	5-20-2014	Amend	7-1-2014	166-150-0005	2-25-2014	Amend	4-1-2014
161-006-0160	1-1-2014	Amend(T)	2-1-2014	166-150-0035	2-25-2014	Amend	4-1-2014
161-006-0160	4-22-2014	Amend	6-1-2014	166-150-0040	2-25-2014	Amend	4-1-2014
161-006-0160	5-20-2014	Amend	7-1-2014	166-150-0095	2-25-2014	Amend	4-1-2014
161-010-0010	7-7-2014	Amend(T)	8-1-2014	166-150-0135	2-25-2014	Amend	4-1-2014
161-010-0025	7-7-2014	Amend(T)	8-1-2014	166-150-0210	2-25-2014	Amend	4-1-2014
161-010-0035	7-7-2014	Amend(T)	8-1-2014	166-200-0005	8-7-2014	Repeal	9-1-2014
161-010-0045	7-7-2014	Amend(T)	8-1-2014	166-200-0010	8-7-2014	Repeal	9-1-2014
161-010-0065	7-7-2014	Amend(T)	8-1-2014	166-200-0015	8-7-2014	Repeal	9-1-2014
161-010-0085	7-7-2014	Amend(T)	8-1-2014	166-200-0020	8-7-2014	Repeal	9-1-2014
161-015-0000	7-7-2014	Amend(T)	8-1-2014	166-200-0025	8-7-2014	Repeal	9-1-2014
161-025-0060	1-1-2014	Amend(T)	2-1-2014	166-200-0030	8-7-2014	Repeal	9-1-2014
161-025-0060	4-22-2014	Amend	6-1-2014	166-200-0035	8-7-2014	Repeal	9-1-2014
161-025-0060	5-20-2014	Amend	7-1-2014	166-200-0040	8-7-2014	Repeal	9-1-2014
161-570-0025	1-1-2014	Amend(T)	2-1-2014	166-200-0045	8-7-2014	Repeal	9-1-2014
161-570-0025	4-22-2014	Amend	6-1-2014	166-200-0050	8-7-2014	Repeal	9-1-2014
161-570-0025	5-20-2014	Amend	7-1-2014	166-200-0055	8-7-2014	Repeal	9-1-2014
161-570-0030	1-1-2014	Amend(T)	2-1-2014	166-200-0060	8-7-2014	Repeal	9-1-2014
161-570-0030	4-22-2014	Amend	6-1-2014	166-200-0065	8-7-2014	Repeal	9-1-2014
161-570-0030	5-20-2014	Amend	7-1-2014	166-200-0070	8-7-2014	Repeal	9-1-2014
162-010-0000	2-13-2014	Amend	3-1-2014	166-200-0075	8-7-2014	Repeal	9-1-2014
162-010-0010	2-13-2014	Amend	3-1-2014	166-200-0080	8-7-2014	Repeal	9-1-2014
162-010-0020	2-13-2014	Amend	3-1-2014	166-200-0085	8-7-2014	Repeal	9-1-2014
162-010-0030	2-13-2014	Amend	3-1-2014	166-200-0090	8-7-2014	Repeal	9-1-2014
162-010-0050	2-13-2014	Amend	3-1-2014	166-200-0095	8-7-2014	Repeal	9-1-2014
162-010-0115	2-13-2014	Amend	3-1-2014	166-200-0100	8-7-2014	Repeal	9-1-2014
162-010-0120	2-13-2014	Amend	3-1-2014	166-200-0105	8-7-2014	Repeal	9-1-2014
162-010-0130	2-13-2014	Amend	3-1-2014	166-200-0110	8-7-2014	Repeal	9-1-2014
162-010-0140	2-13-2014	Amend	3-1-2014	166-200-0115	8-7-2014	Repeal	9-1-2014
162-010-0160	2-13-2014	Repeal	3-1-2014	166-200-0120	8-7-2014	Repeal	9-1-2014
162-010-0170	2-13-2014	Repeal	3-1-2014	166-200-0125	8-7-2014	Repeal	9-1-2014
162-010-0190	2-13-2014	Amend	3-1-2014	166-200-0130	8-7-2014	Repeal	9-1-2014
162-010-0200	2-13-2014	Amend	3-1-2014	166-200-0135	8-7-2014	Repeal	9-1-2014
162-010-0230	2-13-2014	Amend	3-1-2014	166-200-0140	8-7-2014	Repeal	9-1-2014
162-010-0260	2-13-2014	Amend	3-1-2014	166-200-0145	8-7-2014	Repeal	9-1-2014
165-001-0050	1-2-2014	Amend	2-1-2014	166-200-0200	8-7-2014	Adopt	9-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
166-200-0205	8-7-2014	Adopt	9-1-2014	167-001-0635	3-1-2014	Amend	4-1-2014
166-200-0210	8-7-2014	Adopt	9-1-2014	170-061-0015	8-15-2014	Amend(T)	9-1-2014
166-200-0215	8-7-2014	Adopt	9-1-2014	170-063-0000	1-15-2014	Amend(T)	2-1-2014
166-200-0220	8-7-2014	Adopt	9-1-2014	170-063-0000	4-11-2014	Amend	5-1-2014
166-200-0225	8-7-2014	Adopt	9-1-2014	172-005-0020	5-14-2014	Amend	6-1-2014
166-200-0230	8-7-2014	Adopt	9-1-2014	172-005-0020	5-28-2014	Amend	7-1-2014
166-200-0235	8-7-2014	Adopt	9-1-2014	172-005-0045	5-14-2014	Adopt	6-1-2014
166-200-0240	8-7-2014	Adopt	9-1-2014	172-005-0045	5-30-2014	Adopt	7-1-2014
166-200-0245	8-7-2014	Adopt	9-1-2014	173-006-0005	12-19-2013	Amend	2-1-2014
166-200-0250	8-7-2014	Adopt	9-1-2014	173-008-0005	12-19-2013	Amend	2-1-2014
166-200-0255	8-7-2014	Adopt	9-1-2014	177-075-0040	12-1-2013	Amend	1-1-2014
166-200-0260	8-7-2014	Adopt	9-1-2014	177-075-0040(T)	12-1-2013	Repeal	1-1-2014
166-200-0265	8-7-2014	Adopt	9-1-2014	177-094-0100	4-6-2014	Adopt	5-1-2014
166-200-0270	8-7-2014	Adopt	9-1-2014	177-099-0095	1-1-2014	Amend	2-1-2014
166-200-0275	8-7-2014	Adopt	9-1-2014	177-099-0100	4-1-2014	Amend	5-1-2014
166-200-0280	8-7-2014	Adopt	9-1-2014	213-003-0001	2-3-2014	Amend	3-1-2014
166-200-0285	8-7-2014	Adopt	9-1-2014	213-008-0002	2-3-2014	Amend	3-1-2014
166-200-0290	8-7-2014	Adopt	9-1-2014	213-017-0004	2-3-2014	Amend	3-1-2014
166-200-0295	8-7-2014	Adopt	9-1-2014	213-017-0005	2-3-2014	Amend	3-1-2014
166-200-0300	8-7-2014	Adopt	9-1-2014	213-017-0005(T)	2-3-2014	Repeal	3-1-2014
166-200-0305	8-7-2014	Adopt	9-1-2014	213-017-0006	2-3-2014	Amend	3-1-2014
166-200-0310	8-7-2014	Adopt	9-1-2014	213-017-0006(T)	2-3-2014	Repeal	3-1-2014
166-200-0315	8-7-2014	Adopt	9-1-2014	213-017-0008	2-3-2014	Amend	3-1-2014
166-200-0320	8-7-2014	Adopt	9-1-2014	213-017-0008(T)	2-3-2014	Repeal	3-1-2014
166-200-0325	8-7-2014	Adopt	9-1-2014	213-017-0009	2-3-2014	Amend	3-1-2014
166-200-0330	8-7-2014	Adopt	9-1-2014	213-017-0009(T)	2-3-2014	Repeal	3-1-2014
166-200-0335	8-7-2014	Adopt	9-1-2014	213-018-0012	2-3-2014	Adopt	3-1-2014
166-200-0340	8-7-2014	Adopt	9-1-2014	213-018-0012(T)	2-3-2014	Repeal	3-1-2014
166-200-0345	8-7-2014	Adopt	9-1-2014	213-018-0013	2-3-2014	Adopt	3-1-2014
166-200-0350	8-7-2014	Adopt	9-1-2014	213-018-0013(T)	2-3-2014	Repeal	3-1-2014
166-200-0355	8-7-2014	Adopt	9-1-2014	213-018-0036	2-3-2014	Adopt	3-1-2014
166-200-0360	8-7-2014	Adopt	9-1-2014	213-018-0036(T)	2-3-2014	Repeal	3-1-2014
166-200-0365	8-7-2014	Adopt	9-1-2014	213-019-0008	2-3-2014	Amend	3-1-2014
166-200-0370	8-7-2014	Adopt	9-1-2014	213-019-0008(T)	2-3-2014	Repeal	3-1-2014
166-200-0375	8-7-2014	Adopt	9-1-2014	213-019-0010	2-3-2014	Amend	3-1-2014
166-200-0380	8-7-2014	Adopt	9-1-2014	213-019-0012	2-3-2014	Amend	3-1-2014
166-200-0385	8-7-2014	Adopt	9-1-2014	213-019-0015	2-3-2014	Amend	3-1-2014
166-200-0390	8-7-2014	Adopt	9-1-2014	230-140-0030	8-14-2014	Amend(T)	9-1-2014
166-200-0395	8-7-2014	Adopt	9-1-2014	250-001-0000	1-15-2014	Amend	2-1-2014
166-200-0400	8-7-2014	Adopt	9-1-2014	250-001-0005	1-15-2014	Amend	2-1-2014
166-200-0405	8-7-2014	Adopt	9-1-2014	250-001-0040	1-15-2014	Adopt	2-1-2014
167-001-0007	3-1-2014	Amend	4-1-2014	250-001-0050	1-15-2014	Adopt	2-1-2014
167-001-0020	3-1-2014	Amend	4-1-2014	250-001-0060	1-15-2014	Adopt	2-1-2014
167-001-0030	3-1-2014	Amend	4-1-2014	250-015-0001	1-15-2014	Amend	2-1-2014
167-001-0040	3-1-2014	Repeal	4-1-2014	250-015-0002	1-15-2014	Amend	2-1-2014
167-001-0050	3-1-2014	Repeal	4-1-2014	250-015-0005	1-15-2014	Amend	2-1-2014
167-001-0060	3-1-2014	Repeal	4-1-2014	250-015-0006	1-15-2014	Amend	2-1-2014
167-001-0065	3-1-2014	Repeal	4-1-2014	250-015-0008	1-15-2014	Amend	2-1-2014
167-001-0070	3-1-2014	Repeal	4-1-2014	250-015-0010	1-15-2014	Amend	2-1-2014
167-001-0081	3-1-2014	Amend	4-1-2014	250-015-0011	1-15-2014	Repeal	2-1-2014
167-001-0085	3-1-2014	Repeal	4-1-2014	250-015-0015	1-15-2014	Repeal	2-1-2014
167-001-0300	3-1-2014	Amend	4-1-2014	250-015-0016	1-15-2014	Repeal	2-1-2014
167-001-0360	3-1-2014	Amend	4-1-2014	250-015-0017	1-15-2014	Repeal	2-1-2014
167-001-0600	3-1-2014	Amend	4-1-2014	250-015-0019	1-15-2014	Repeal	2-1-2014
167-001-0620	3-1-2014	Amend	4-1-2014	250-015-0020	1-15-2014	Repeal	2-1-2014
167-001-0625	3-1-2014	Repeal	4-1-2014	250-015-0021	1-15-2014	Repeal	2-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
250-015-0022	1-15-2014	Amend	2-1-2014	255-075-0079(T)	2-24-2014	Suspend	4-1-2014
250-015-0023	1-15-2014	Repeal	2-1-2014	255-080-0008	3-27-2014	Amend(T)	5-1-2014
250-015-0024	1-15-2014	Repeal	2-1-2014	255-080-0008	8-8-2014	Amend	9-1-2014
250-015-0025	1-15-2014	Repeal	2-1-2014	255-080-0011	3-27-2014	Amend(T)	5-1-2014
250-015-0026	1-15-2014	Amend	2-1-2014	255-080-0011	8-8-2014	Amend	9-1-2014
250-015-0027	1-15-2014	Repeal	2-1-2014	259-008-0005	1-2-2014	Amend	2-1-2014
250-015-0028	1-15-2014	Repeal	2-1-2014	259-008-0005	1-29-2014	Amend	3-1-2014
250-015-0029	1-15-2014	Repeal	2-1-2014	259-008-0010	1-2-2014	Amend	2-1-2014
250-015-0031	1-15-2014	Repeal	2-1-2014	259-008-0010	6-24-2014	Amend	8-1-2014
250-015-0032	1-15-2014	Repeal	2-1-2014	259-008-0011	6-24-2014	Amend	8-1-2014
250-015-0033	1-15-2014	Repeal	2-1-2014	259-008-0020	1-2-2014	Amend	2-1-2014
250-015-0035	1-15-2014	Adopt	2-1-2014	259-008-0020	1-29-2014	Amend	3-1-2014
250-016-0080	1-15-2014	Amend	2-1-2014	259-008-0025	1-2-2014	Amend	2-1-2014
250-016-0090	1-15-2014	Adopt	2-1-2014	259-008-0025	1-2-2014	Amend	2-1-2014
250-019-0010	1-15-2014	Repeal	2-1-2014	259-008-0025	4-10-2014	Amend	5-1-2014
250-019-0020	1-15-2014	Repeal	2-1-2014	259-008-0060	1-2-2014	Amend	2-1-2014
250-019-0030	1-15-2014	Repeal	2-1-2014	259-008-0060	6-24-2014	Amend	8-1-2014
250-019-0040	1-15-2014	Repeal	2-1-2014	259-008-0067	1-29-2014	Amend	3-1-2014
250-019-0050	1-15-2014	Repeal	2-1-2014	259-008-0067	7-23-2014	Amend	9-1-2014
250-019-0060	1-15-2014	Repeal	2-1-2014	259-008-0069	1-2-2014	Amend	2-1-2014
250-019-0070	1-15-2014	Repeal	2-1-2014	259-008-0070	1-2-2014	Amend	2-1-2014
250-019-0080	1-15-2014	Repeal	2-1-2014	259-008-0070	1-28-2014	Amend	3-1-2014
250-020-0032	1-15-2014	Amend	2-1-2014	259-008-0070	2-27-2014	Amend(T)	4-1-2014
250-020-0033	3-10-2014	Amend(T)	4-1-2014	259-008-0070	6-24-2014	Amend	8-1-2014
250-020-0033(T)	3-13-2014	Suspend	4-1-2014	259-008-0070	7-30-2014	Amend	9-1-2014
250-020-0221	4-11-2014	Amend(T)	5-1-2014	259-008-0070	7-31-2014	Amend(T)	9-1-2014
250-020-0385	1-15-2014	Amend	2-1-2014	259-008-0070(T)	6-24-2014	Repeal	8-1-2014
250-026-0005	6-1-2014	Adopt	6-1-2014	259-008-0075	1-2-2014	Amend	2-1-2014
250-026-0010	6-1-2014	Adopt	6-1-2014	259-008-0075	7-23-2014	Amend	9-1-2014
250-026-0015	6-1-2014	Adopt	6-1-2014	259-008-0080	1-2-2014	Amend	2-1-2014
250-026-0020	6-1-2014	Adopt	6-1-2014	259-008-0080	1-29-2014	Amend	3-1-2014
250-026-0025	6-1-2014	Adopt	6-1-2014	259-008-0080	7-23-2014	Amend	9-1-2014
250-026-0030	6-1-2014	Adopt	6-1-2014	259-008-0090	1-2-2014	Amend	2-1-2014
250-026-0035	6-1-2014	Adopt	6-1-2014	259-008-0090	1-29-2014	Amend	3-1-2014
250-026-0040	6-1-2014	Adopt	6-1-2014	259-008-0100	1-2-2014	Amend	2-1-2014
250-026-0045	6-1-2014	Adopt	6-1-2014	259-009-0005	2-6-2014	Amend	3-1-2014
250-026-0050	6-1-2014	Adopt	6-1-2014	259-009-0005	4-3-2014	Amend	5-1-2014
250-026-0055	6-1-2014	Adopt	6-1-2014	259-009-0062	2-6-2014	Amend	3-1-2014
255-030-0010	11-27-2013	Amend	1-1-2014	259-009-0062	4-3-2014	Amend	5-1-2014
255-030-0013	11-27-2013	Amend	1-1-2014	259-009-0070	1-28-2014	Amend	3-1-2014
255-030-0021	11-27-2013	Amend	1-1-2014	259-009-0070	7-30-2014	Amend	9-1-2014
255-030-0023	11-27-2013	Amend	1-1-2014	259-009-0070	7-31-2014	Amend(T)	9-1-2014
255-030-0024	11-27-2013	Amend	1-1-2014	259-013-0000	1-2-2014	Amend	2-1-2014
255-030-0025	11-27-2013	Amend	1-1-2014	259-013-0220	1-2-2014	Amend	2-1-2014
255-030-0026	11-27-2013	Amend	1-1-2014	259-013-0230	1-2-2014	Amend	2-1-2014
255-030-0027	11-27-2013	Amend	1-1-2014	259-060-0120	6-24-2014	Amend	8-1-2014
255-030-0032	11-27-2013	Amend	1-1-2014	259-060-0300	1-2-2014	Amend	2-1-2014
255-030-0035	11-27-2013	Amend	1-1-2014	259-060-0300	1-28-2014	Amend	3-1-2014
255-030-0040	11-27-2013	Amend	1-1-2014	259-060-0300	3-6-2014	Amend(T)	4-1-2014
255-030-0046	11-27-2013	Adopt	1-1-2014	259-060-0300	6-24-2014	Amend	8-1-2014
255-030-0055	11-27-2013	Amend	1-1-2014	259-060-0300	7-30-2014	Amend	9-1-2014
255-060-0012	1-17-2014	Amend(T)	3-1-2014	259-060-0300(T)	6-24-2014	Repeal	8-1-2014
255-060-0012	5-15-2014	Amend	6-1-2014	259-061-0040	5-5-2014	Amend	6-1-2014
255-062-0016	11-27-2013	Amend	1-1-2014	259-061-0300	5-5-2014	Adopt	6-1-2014
255-075-0079	2-14-2014	Amend(T)	3-1-2014	259-061-0300	7-30-2014	Amend	9-1-2014
255-075-0079	6-19-2014	Amend	8-1-2014	259-070-0010	8-11-2014	Amend(T)	9-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
274-015-0010	1-1-2014	Amend	2-1-2014	291-109-0125	3-3-2014	Repeal	4-1-2014
274-015-0010(T)	1-1-2014	Repeal	2-1-2014	291-109-0125(T)	3-3-2014	Repeal	4-1-2014
291-014-0100	12-13-2013	Amend	1-1-2014	291-109-0180	12-13-2013	Amend(T)	1-1-2014
291-014-0100	1-14-2014	Amend	2-1-2014	291-109-0180	1-17-2014	Amend(T)	3-1-2014
291-014-0110	12-13-2013	Amend	1-1-2014	291-109-0180	3-3-2014	Amend	4-1-2014
291-014-0110	1-14-2014	Amend	2-1-2014	291-109-0180(T)	3-3-2014	Repeal	4-1-2014
291-014-0120	12-13-2013	Amend	1-1-2014	291-109-0200	12-13-2013	Adopt(T)	1-1-2014
291-014-0120	1-14-2014	Amend	2-1-2014	291-109-0200	1-17-2014	Adopt(T)	3-1-2014
291-016-0020	6-6-2014	Amend(T)	7-1-2014	291-109-0200	3-3-2014	Adopt	4-1-2014
291-016-0020	7-2-2014	Amend(T)	8-1-2014	291-109-0200(T)	3-3-2014	Repeal	4-1-2014
291-016-0120	6-6-2014	Adopt(T)	7-1-2014	291-130-0005	7-8-2014	Amend(T)	8-1-2014
291-016-0120	7-2-2014	Adopt(T)	8-1-2014	291-130-0006	7-8-2014	Amend(T)	8-1-2014
291-041-0018	12-13-2013	Adopt(T)	1-1-2014	291-130-0011	7-8-2014	Amend(T)	8-1-2014
291-041-0018	1-17-2014	Adopt(T)	3-1-2014	291-130-0016	7-8-2014	Amend(T)	8-1-2014
291-041-0018	3-4-2014	Adopt	4-1-2014	291-130-0017	7-8-2014	Adopt(T)	8-1-2014
291-041-0018(T)	3-4-2014	Repeal	4-1-2014	291-130-0018	7-8-2014	Adopt(T)	8-1-2014
291-041-0020	12-13-2013	Amend(T)	1-1-2014	291-130-0020	7-8-2014	Amend(T)	8-1-2014
291-041-0020	1-17-2014	Amend(T)	3-1-2014	291-209-0010	5-13-2014	Adopt(T)	6-1-2014
291-041-0020	3-4-2014	Amend	4-1-2014	291-209-0020	5-13-2014	Adopt(T)	6-1-2014
291-041-0020(T)	3-4-2014	Repeal	4-1-2014	291-209-0030	5-13-2014	Adopt(T)	6-1-2014
291-055-0005	7-1-2014	Amend(T)	8-1-2014	291-209-0040	5-13-2014	Adopt(T)	6-1-2014
291-055-0010	7-1-2014	Amend(T)	8-1-2014	291-209-0050	5-13-2014	Adopt(T)	6-1-2014
291-055-0014	7-1-2014	Amend(T)	8-1-2014	291-209-0060	5-13-2014	Adopt(T)	6-1-2014
291-055-0019	4-22-2014	Amend	6-1-2014	291-209-0070	5-13-2014	Adopt(T)	6-1-2014
291-055-0019	7-1-2014	Amend(T)	8-1-2014	291-210-0010	6-25-2014	Adopt(T)	8-1-2014
291-055-0020	7-1-2014	Amend(T)	8-1-2014	291-210-0020	6-25-2014	Adopt(T)	8-1-2014
291-055-0025	7-1-2014	Amend(T)	8-1-2014	291-210-0030	6-25-2014	Adopt(T)	8-1-2014
291-055-0031	7-1-2014	Amend(T)	8-1-2014	309-011-0070	1-28-2014	Repeal	3-1-2014
291-055-0040	7-1-2014	Amend(T)	8-1-2014	309-011-0075	1-28-2014	Repeal	3-1-2014
291-055-0045	7-1-2014	Amend(T)	8-1-2014	309-011-0080	1-28-2014	Repeal	3-1-2014
291-055-0050	7-1-2014	Amend(T)	8-1-2014	309-011-0085	1-28-2014	Repeal	3-1-2014
291-073-0100	3-3-2014	Adopt	4-1-2014	309-011-0090	1-28-2014	Repeal	3-1-2014
291-073-0110	3-3-2014	Adopt	4-1-2014	309-011-0095	1-28-2014	Repeal	3-1-2014
291-077-0035	12-1-2013	Amend	1-1-2014	309-012-0130	12-20-2013	Amend(T)	2-1-2014
291-077-0035	1-14-2014	Amend	2-1-2014	309-012-0130	6-19-2014	Amend	7-1-2014
291-097-0231	12-13-2013	Adopt(T)	1-1-2014	309-012-0150	12-20-2013	Amend(T)	2-1-2014
291-097-0231	1-17-2014	Adopt(T)	3-1-2014	309-012-0150	6-19-2014	Amend	7-1-2014
291-097-0231	5-5-2014	Adopt	6-1-2014	309-012-0180	12-20-2013	Amend(T)	2-1-2014
291-097-0231(T)	5-5-2014	Repeal	6-1-2014	309-012-0180	6-19-2014	Amend	7-1-2014
291-104-0111	2-12-2014	Amend(T)	3-1-2014	309-012-0190	12-20-2013	Amend(T)	2-1-2014
291-104-0111	5-1-2014	Amend	6-1-2014	309-012-0190	6-19-2014	Amend	7-1-2014
291-104-0111(T)	5-1-2014	Repeal	6-1-2014	309-012-0230	12-20-2013	Adopt(T)	2-1-2014
291-104-0116	2-12-2014	Amend(T)	3-1-2014	309-012-0230	6-19-2014	Adopt	7-1-2014
291-104-0116	5-1-2014	Amend	6-1-2014	309-016-0600	8-1-2014	Renumber	9-1-2014
291-104-0116(T)	5-1-2014	Repeal	6-1-2014	309-016-0605	8-1-2014	Renumber	9-1-2014
291-104-0125	2-12-2014	Amend(T)	3-1-2014	309-016-0610	8-1-2014	Renumber	9-1-2014
291-104-0125	5-1-2014	Amend	6-1-2014	309-016-0615	8-1-2014	Renumber	9-1-2014
291-104-0125(T)	5-1-2014	Repeal	6-1-2014	309-016-0620	8-1-2014	Renumber	9-1-2014
291-104-0135	2-12-2014	Amend(T)	3-1-2014	309-016-0625	8-1-2014	Renumber	9-1-2014
291-104-0135	5-1-2014	Amend	6-1-2014	309-016-0630	8-1-2014	Renumber	9-1-2014
291-104-0135(T)	5-1-2014	Repeal	6-1-2014	309-016-0635	8-1-2014	Renumber	9-1-2014
291-104-0140	2-12-2014	Amend(T)	3-1-2014	309-016-0640	8-1-2014	Renumber	9-1-2014
291-104-0140	5-1-2014	Amend	6-1-2014	309-016-0645	8-1-2014	Renumber	9-1-2014
291-104-0140(T)	5-1-2014	Repeal	6-1-2014	309-016-0650	8-1-2014	Renumber	9-1-2014
291-109-0125	12-13-2013	Suspend	1-1-2014	309-016-0660	8-1-2014	Renumber	9-1-2014
291-109-0125	1-17-2014	Suspend	3-1-2014	309-016-0665	8-1-2014	Renumber	9-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
309-019-0160(T)	2-3-2014	Repeal	3-1-2014	309-022-0175(T)	2-3-2014	Repeal	3-1-2014
309-019-0165	2-3-2014	Adopt	3-1-2014	309-022-0180	2-3-2014	Adopt	3-1-2014
309-019-0165(T)	2-3-2014	Repeal	3-1-2014	309-022-0180(T)	2-3-2014	Repeal	3-1-2014
309-019-0170	2-3-2014	Adopt	3-1-2014	309-022-0185	2-3-2014	Adopt	3-1-2014
309-019-0170(T)	2-3-2014	Repeal	3-1-2014	309-022-0185(T)	2-3-2014	Repeal	3-1-2014
309-019-0175	2-3-2014	Adopt	3-1-2014	309-022-0190	2-3-2014	Adopt	3-1-2014
309-019-0175(T)	2-3-2014	Repeal	3-1-2014	309-022-0190(T)	2-3-2014	Repeal	3-1-2014
309-019-0180	2-3-2014	Adopt	3-1-2014	309-022-0192(T)	2-3-2014	Repeal	3-1-2014
309-019-0180(T)	2-3-2014	Repeal	3-1-2014	309-022-0195	2-3-2014	Adopt	3-1-2014
309-019-0185	2-3-2014	Adopt	3-1-2014	309-022-0195(T)	2-3-2014	Repeal	3-1-2014
309-019-0185(T)	2-3-2014	Repeal	3-1-2014	309-022-0200	2-3-2014	Adopt	3-1-2014
309-019-0190	2-3-2014	Adopt	3-1-2014	309-022-0200(T)	2-3-2014	Repeal	3-1-2014
309-019-0190(T)	2-3-2014	Repeal	3-1-2014	309-022-0205	2-3-2014	Adopt	3-1-2014
309-019-0195	2-3-2014	Adopt	3-1-2014	309-022-0205(T)	2-3-2014	Repeal	3-1-2014
309-019-0195(T)	2-3-2014	Repeal	3-1-2014	309-022-0210	2-3-2014	Adopt	3-1-2014
309-019-0200	2-3-2014	Adopt	3-1-2014	309-022-0210(T)	2-3-2014	Repeal	3-1-2014
309-019-0200(T)	2-3-2014	Repeal	3-1-2014	309-022-0215	2-3-2014	Adopt	3-1-2014
309-019-0205	2-3-2014	Adopt	3-1-2014	309-022-0215(T)	2-3-2014	Repeal	3-1-2014
309-019-0205(T)	2-3-2014	Repeal	3-1-2014	309-022-0220	2-3-2014	Adopt	3-1-2014
309-019-0210	2-3-2014	Adopt	3-1-2014	309-022-0220(T)	2-3-2014	Repeal	3-1-2014
309-019-0210(T)	2-3-2014	Repeal	3-1-2014	309-022-0225	2-3-2014	Adopt	3-1-2014
309-019-0215	2-3-2014	Adopt	3-1-2014	309-022-0225(T)	2-3-2014	Repeal	3-1-2014
309-019-0215(T)	2-3-2014	Repeal	3-1-2014	309-022-0230	2-3-2014	Adopt	3-1-2014
309-019-0220	2-3-2014	Adopt	3-1-2014	309-022-0230(T)	2-3-2014	Repeal	3-1-2014
309-019-0220(T)	2-3-2014	Repeal	3-1-2014	309-032-1500	2-3-2014	Repeal	3-1-2014
309-022-0100	2-3-2014	Adopt	3-1-2014	309-032-1505	2-3-2014	Repeal	3-1-2014
309-022-0100(T)	2-3-2014	Repeal	3-1-2014	309-032-1510	2-3-2014	Repeal	3-1-2014
309-022-0105	2-3-2014	Adopt	3-1-2014	309-032-1515	2-3-2014	Repeal	3-1-2014
309-022-0105(T)	2-3-2014	Repeal	3-1-2014	309-032-1520	2-3-2014	Repeal	3-1-2014
309-022-0110	2-3-2014	Adopt	3-1-2014	309-032-1525	2-3-2014	Repeal	3-1-2014
309-022-0110(T)	2-3-2014	Repeal	3-1-2014	309-032-1530	2-3-2014	Repeal	3-1-2014
309-022-0115	2-3-2014	Adopt	3-1-2014	309-032-1535	2-3-2014	Repeal	3-1-2014
309-022-0115(T)	2-3-2014	Repeal	3-1-2014	309-032-1540	2-3-2014	Repeal	3-1-2014
309-022-0120	2-3-2014	Adopt	3-1-2014	309-032-1545	2-3-2014	Repeal	3-1-2014
309-022-0120(T)	2-3-2014	Repeal	3-1-2014	309-032-1550	2-3-2014	Repeal	3-1-2014
309-022-0125	2-3-2014	Adopt	3-1-2014	309-032-1555	2-3-2014	Repeal	3-1-2014
309-022-0125(T)	2-3-2014	Repeal	3-1-2014	309-032-1560	2-3-2014	Repeal	3-1-2014
309-022-0130	2-3-2014	Adopt	3-1-2014	309-032-1565	2-3-2014	Repeal	3-1-2014
309-022-0130(T)	2-3-2014	Repeal	3-1-2014	309-034-0400	2-3-2014	Repeal	3-1-2014
309-022-0135	2-3-2014	Adopt	3-1-2014	309-034-0410	2-3-2014	Repeal	3-1-2014
309-022-0135(T)	2-3-2014	Repeal	3-1-2014	309-034-0420	2-3-2014	Repeal	3-1-2014
309-022-0140	2-3-2014	Adopt	3-1-2014	309-034-0430	2-3-2014	Repeal	3-1-2014
309-022-0140(T)	2-3-2014	Repeal	3-1-2014	309-034-0440	2-3-2014	Repeal	3-1-2014
309-022-0145	2-3-2014	Adopt	3-1-2014	309-034-0450	2-3-2014	Repeal	3-1-2014
309-022-0145(T)	2-3-2014	Repeal	3-1-2014	309-034-0460	2-3-2014	Repeal	3-1-2014
309-022-0150	2-3-2014	Adopt	3-1-2014	309-034-0470	2-3-2014	Repeal	3-1-2014
309-022-0150(T)	2-3-2014	Repeal	3-1-2014	309-034-0480	2-3-2014	Repeal	3-1-2014
309-022-0155	2-3-2014	Adopt	3-1-2014	309-034-0490	2-3-2014	Repeal	3-1-2014
309-022-0155(T)	2-3-2014	Repeal	3-1-2014	309-034-0500	2-3-2014	Repeal	3-1-2014
309-022-0160	2-3-2014	Adopt	3-1-2014	309-039-0500	12-20-2013	Amend(T)	2-1-2014
309-022-0160(T)	2-3-2014	Repeal	3-1-2014	309-039-0500	6-19-2014	Amend	8-1-2014
309-022-0165	2-3-2014	Adopt	3-1-2014	309-039-0510	12-20-2013	Amend(T)	2-1-2014
309-022-0165(T)	2-3-2014	Repeal	3-1-2014	309-039-0510	6-19-2014	Amend	8-1-2014
309-022-0170	2-3-2014	Adopt	3-1-2014	309-039-0520	12-20-2013	Amend(T)	2-1-2014
309-022-0170(T)	2-3-2014	Repeal	3-1-2014	309-039-0520	6-19-2014	Amend	8-1-2014
309-022-0175	2-3-2014	Adopt	3-1-2014	309-039-0530	12-20-2013	Amend(T)	2-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
309-039-0530	6-19-2014	Amend	8-1-2014	309-043-0330	7-1-2014	Repeal	8-1-2014
309-039-0540	12-20-2013	Amend(T)	2-1-2014	309-043-0340	7-1-2014	Repeal	8-1-2014
309-039-0540	6-19-2014	Amend	8-1-2014	309-043-0350	7-1-2014	Repeal	8-1-2014
309-039-0550	6-19-2014	Repeal	8-1-2014	309-043-0360	7-1-2014	Repeal	8-1-2014
309-039-0560	6-19-2014	Amend	8-1-2014	309-043-0370	7-1-2014	Repeal	8-1-2014
309-039-0570	12-20-2013	Amend(T)	2-1-2014	309-043-0380	7-1-2014	Repeal	8-1-2014
309-039-0570	6-19-2014	Amend	8-1-2014	309-043-0390	7-1-2014	Repeal	8-1-2014
309-041-1190	4-1-2014	Repeal	5-1-2014	309-043-0400	7-1-2014	Repeal	8-1-2014
309-041-1200	4-1-2014	Repeal	5-1-2014	309-043-0410	7-1-2014	Repeal	8-1-2014
309-041-1210	4-1-2014	Repeal	5-1-2014	309-043-0420	7-1-2014	Repeal	8-1-2014
309-041-1220	4-1-2014	Repeal	5-1-2014	309-043-0430	7-1-2014	Repeal	8-1-2014
309-041-1230	4-1-2014	Repeal	5-1-2014	309-043-0440	7-1-2014	Repeal	8-1-2014
309-041-1240	4-1-2014	Repeal	5-1-2014	309-043-0450	7-1-2014	Repeal	8-1-2014
309-041-1250	4-1-2014	Repeal	5-1-2014	309-043-0460	7-1-2014	Repeal	8-1-2014
309-042-0000	7-1-2014	Repeal	8-1-2014	309-043-0470	7-1-2014	Repeal	8-1-2014
309-042-0001	7-1-2014	Repeal	8-1-2014	309-043-0480	7-1-2014	Repeal	8-1-2014
309-042-0002	7-1-2014	Repeal	8-1-2014	309-043-0490	7-1-2014	Repeal	8-1-2014
309-042-0003	7-1-2014	Repeal	8-1-2014	309-043-0500	7-1-2014	Repeal	8-1-2014
309-042-0004	7-1-2014	Repeal	8-1-2014	309-043-0510	7-1-2014	Repeal	8-1-2014
309-042-0005	7-1-2014	Repeal	8-1-2014	309-043-0520	7-1-2014	Repeal	8-1-2014
309-042-0006	7-1-2014	Repeal	8-1-2014	309-043-0530	7-1-2014	Repeal	8-1-2014
309-042-0007	7-1-2014	Repeal	8-1-2014	309-043-0540	7-1-2014	Repeal	8-1-2014
309-042-0008	7-1-2014	Repeal	8-1-2014	309-043-0550	7-1-2014	Repeal	8-1-2014
309-042-0009	7-1-2014	Repeal	8-1-2014	309-043-0560	7-1-2014	Repeal	8-1-2014
309-042-0015	7-1-2014	Repeal	8-1-2014	309-043-0570	7-1-2014	Repeal	8-1-2014
309-042-0030	7-1-2014	Repeal	8-1-2014	309-043-0580	7-1-2014	Repeal	8-1-2014
309-042-0035	7-1-2014	Repeal	8-1-2014	309-100-0000	1-28-2014	Repeal	3-1-2014
309-042-0050	7-1-2014	Repeal	8-1-2014	309-114-0000	4-24-2014	Amend	6-1-2014
309-042-0060	7-1-2014	Repeal	8-1-2014	309-114-0010	4-24-2014	Amend	6-1-2014
309-042-0065	7-1-2014	Repeal	8-1-2014	309-114-0020	4-24-2014	Amend	6-1-2014
309-042-0070	7-1-2014	Repeal	8-1-2014	325-005-0015	3-21-2014	Amend	5-1-2014
309-042-0075	7-1-2014	Repeal	8-1-2014	325-035-0001	7-1-2014	Adopt	7-1-2014
309-042-0080	7-1-2014	Repeal	8-1-2014	325-035-0005	7-1-2014	Adopt	7-1-2014
309-042-0100	7-1-2014	Repeal	8-1-2014	325-035-0010	7-1-2014	Adopt	7-1-2014
309-042-0110	7-1-2014	Repeal	8-1-2014	325-035-0015	7-1-2014	Adopt	7-1-2014
309-042-0120	7-1-2014	Repeal	8-1-2014	325-035-0020	7-1-2014	Adopt	7-1-2014
309-042-0130	7-1-2014	Repeal	8-1-2014	325-035-0025	7-1-2014	Adopt	7-1-2014
309-042-0140	7-1-2014	Repeal	8-1-2014	325-035-0030	7-1-2014	Adopt	7-1-2014
309-042-0150	7-1-2014	Repeal	8-1-2014	325-035-0035	7-1-2014	Adopt	7-1-2014
309-042-0160	7-1-2014	Repeal	8-1-2014	325-035-0040	7-1-2014	Adopt	7-1-2014
309-042-0170	7-1-2014	Repeal	8-1-2014	325-035-0045	7-1-2014	Adopt	7-1-2014
309-042-0180	7-1-2014	Repeal	8-1-2014	330-063-0000	7-1-2014	Amend	8-1-2014
309-042-0190	7-1-2014	Repeal	8-1-2014	330-063-0010	7-1-2014	Amend	8-1-2014
309-042-0200	7-1-2014	Repeal	8-1-2014	330-063-0015	7-1-2014	Adopt	8-1-2014
309-042-0210	7-1-2014	Repeal	8-1-2014	330-063-0020	7-1-2014	Amend	8-1-2014
309-042-0220	7-1-2014	Repeal	8-1-2014	330-063-0025	7-1-2014	Adopt	8-1-2014
309-043-0230	7-1-2014	Repeal	8-1-2014	330-063-0030	7-1-2014	Amend	8-1-2014
309-043-0240	7-1-2014	Repeal	8-1-2014	330-063-0040	7-1-2014	Amend	8-1-2014
309-043-0250	7-1-2014	Repeal	8-1-2014	330-070-0014	1-1-2014	Amend	2-1-2014
309-043-0260	7-1-2014	Repeal	8-1-2014	330-070-0019	1-1-2014	Repeal	2-1-2014
309-043-0270	7-1-2014	Repeal	8-1-2014	330-070-0020	1-1-2014	Amend	2-1-2014
309-043-0280	7-1-2014	Repeal	8-1-2014	330-070-0021	1-1-2014	Amend	2-1-2014
309-043-0290	7-1-2014	Repeal	8-1-2014	330-070-0022	1-1-2014	Amend	2-1-2014
309-043-0300	7-1-2014	Repeal	8-1-2014	330-070-0025	1-1-2014	Amend	2-1-2014
309-043-0310	7-1-2014	Repeal	8-1-2014	330-070-0026	1-1-2014	Amend	2-1-2014
309-043-0320	7-1-2014	Repeal	8-1-2014	330-070-0029	1-1-2014	Amend	2-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
330-070-0064	1-1-2014	Amend	2-1-2014	331-410-0050	7-1-2014	Amend(T)	8-1-2014
330-070-0073	1-1-2014	Amend	2-1-2014	331-420-0020	7-1-2014	Amend(T)	8-1-2014
330-070-0073	5-15-2014	Amend(T)	6-1-2014	331-440-0000	2-1-2014	Amend	2-1-2014
330-090-0133	4-1-2014	Amend	5-1-2014	331-710-0050	1-1-2014	Amend	2-1-2014
330-092-0005	1-1-2014	Amend	2-1-2014	331-710-0060	1-1-2014	Amend	2-1-2014
330-092-0010	1-1-2014	Amend	2-1-2014	331-710-0070	1-1-2014	Amend	2-1-2014
330-092-0015	1-1-2014	Amend	2-1-2014	331-710-0080	1-1-2014	Amend	2-1-2014
330-092-0020	1-1-2014	Amend	2-1-2014	331-710-0090	1-1-2014	Amend	2-1-2014
330-092-0025	1-1-2014	Amend	2-1-2014	331-710-0100	1-1-2014	Amend	2-1-2014
330-092-0030	1-1-2014	Amend	2-1-2014	331-710-0110	1-1-2014	Amend	2-1-2014
330-092-0035	1-1-2014	Amend	2-1-2014	331-720-0010	1-1-2014	Amend	2-1-2014
330-092-0040	1-1-2014	Amend	2-1-2014	331-720-0015	1-1-2014	Amend	2-1-2014
330-092-0045	1-1-2014	Amend	2-1-2014	331-720-0020	1-1-2014	Amend	2-1-2014
330-092-0050	1-1-2014	Amend	2-1-2014	331-810-0055	1-17-2014	Amend(T)	3-1-2014
330-092-0055	1-1-2014	Amend	2-1-2014	331-810-0055	6-1-2014	Amend	7-1-2014
330-092-0060	1-1-2014	Repeal	2-1-2014	331-900-0010	1-1-2014	Amend	2-1-2014
330-092-0065	1-1-2014	Repeal	2-1-2014	331-900-0015	1-1-2014	Amend	2-1-2014
330-092-0070	1-1-2014	Amend	2-1-2014	331-900-0020	1-1-2014	Amend	2-1-2014
330-110-0010	12-12-2013	Amend	1-1-2014	331-900-0040	1-1-2014	Amend	2-1-2014
330-110-0012	3-7-2014	Adopt	4-1-2014	331-900-0050	1-1-2014	Amend	2-1-2014
330-110-0040	12-12-2013	Amend	1-1-2014	331-900-0077	1-1-2014	Adopt	2-1-2014
330-110-0040(T)	12-12-2013	Repeal	1-1-2014	331-900-0085	1-1-2014	Amend	2-1-2014
330-110-0060	12-12-2013	Adopt	1-1-2014	331-900-0090	1-1-2014	Amend	2-1-2014
330-135-0010	12-23-2013	Amend	2-1-2014	331-900-0095	1-1-2014	Amend	2-1-2014
330-135-0015	12-23-2013	Amend	2-1-2014	331-900-0097	1-1-2014	Amend	2-1-2014
330-135-0018	12-23-2013	Amend	2-1-2014	331-900-0098	1-1-2014	Amend	2-1-2014
330-135-0020	12-23-2013	Amend	2-1-2014	331-900-0099	1-1-2014	Amend	2-1-2014
330-135-0025	12-23-2013	Amend	2-1-2014	331-900-0115	1-1-2014	Amend	2-1-2014
330-135-0030	12-23-2013	Amend	2-1-2014	331-905-0020	1-1-2014	Amend	2-1-2014
330-135-0035	12-23-2013	Amend	2-1-2014	331-905-0030	1-1-2014	Amend	2-1-2014
330-135-0040	12-23-2013	Amend	2-1-2014	331-905-0052	1-1-2014	Amend	2-1-2014
330-135-0045	12-23-2013	Amend	2-1-2014	331-905-0058	1-1-2014	Amend	2-1-2014
330-135-0047	12-23-2013	Repeal	2-1-2014	331-905-0095	1-1-2014	Amend	2-1-2014
330-135-0048	12-23-2013	Am. & Ren.	2-1-2014	331-910-0005	1-1-2014	Amend	2-1-2014
330-135-0050	12-23-2013	Amend	2-1-2014	331-910-0010	1-1-2014	Amend	2-1-2014
330-135-0055	12-23-2013	Amend	2-1-2014	331-910-0055	1-1-2014	Amend	2-1-2014
330-135-0060	12-23-2013	Adopt	2-1-2014	331-910-0060	1-1-2014	Amend	2-1-2014
330-160-0015	2-10-2014	Amend	3-1-2014	331-915-0020	1-1-2014	Amend	2-1-2014
330-160-0020	2-10-2014	Amend	3-1-2014	331-915-0055	1-1-2014	Amend	2-1-2014
330-160-0025	2-10-2014	Amend	3-1-2014	331-915-0060	1-1-2014	Amend	2-1-2014
330-160-0030	2-10-2014	Amend	3-1-2014	331-915-0065	1-1-2014	Amend	2-1-2014
330-160-0035	2-10-2014	Adopt	3-1-2014	331-915-0070	1-1-2014	Amend	2-1-2014
330-160-0037	2-10-2014	Adopt	3-1-2014	331-925-0050	1-1-2014	Amend	2-1-2014
330-160-0038	2-10-2014	Adopt	3-1-2014	331-940-0000	1-1-2014	Amend	2-1-2014
330-160-0040	2-10-2014	Amend	3-1-2014	331-950-0040	1-1-2014	Amend	2-1-2014
330-160-0050	2-10-2014	Amend	3-1-2014	332-020-0010	1-1-2014	Amend	2-1-2014
330-160-0060	2-10-2014	Adopt	3-1-2014	332-020-0015	1-1-2014	Amend	2-1-2014
330-160-0070	2-10-2014	Adopt	3-1-2014	333-008-0010	1-13-2014	Amend	2-1-2014
330-170-0010	1-1-2014	Amend	2-1-2014	333-008-0010	1-15-2014	Amend(T)	2-1-2014
330-170-0020	1-1-2014	Amend	2-1-2014	333-008-0010	7-11-2014	Amend	8-1-2014
330-170-0030	1-1-2014	Amend	2-1-2014	333-008-0010(T)	7-11-2014	Repeal	8-1-2014
330-170-0040	1-1-2014	Amend	2-1-2014	333-008-0020	1-13-2014	Amend	2-1-2014
330-170-0050	1-1-2014	Amend	2-1-2014	333-008-0020	1-15-2014	Amend(T)	2-1-2014
330-170-0060	1-1-2014	Amend	2-1-2014	333-008-0020	6-5-2014	Amend	7-1-2014
331-010-0060	4-3-2014	Adopt(T)	5-1-2014	333-008-0020	7-11-2014	Amend	8-1-2014
331-010-0070	4-3-2014	Adopt(T)	5-1-2014	333-008-0020(T)	1-13-2014	Repeal	2-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
333-008-0020(T)	7-11-2014	Repeal	8-1-2014	333-008-1140	1-15-2014	Adopt(T)	2-1-2014
333-008-0025	1-15-2014	Amend(T)	2-1-2014	333-008-1140	7-11-2014	Adopt	8-1-2014
333-008-0025	7-11-2014	Amend	8-1-2014	333-008-1140(T)	7-11-2014	Repeal	8-1-2014
333-008-0025(T)	7-11-2014	Repeal	8-1-2014	333-008-1150	1-15-2014	Adopt(T)	2-1-2014
333-008-0045	1-13-2014	Amend	2-1-2014	333-008-1150	7-11-2014	Adopt	8-1-2014
333-008-0045	1-15-2014	Amend(T)	2-1-2014	333-008-1150(T)	7-11-2014	Repeal	8-1-2014
333-008-0045	7-11-2014	Amend	8-1-2014	333-008-1160	1-15-2014	Adopt(T)	2-1-2014
333-008-0045(T)	7-11-2014	Repeal	8-1-2014	333-008-1160	7-11-2014	Adopt	8-1-2014
333-008-0050	1-15-2014	Amend(T)	2-1-2014	333-008-1160(T)	7-11-2014	Repeal	8-1-2014
333-008-0050	7-11-2014	Amend	8-1-2014	333-008-1170	1-15-2014	Adopt(T)	2-1-2014
333-008-0050(T)	7-11-2014	Repeal	8-1-2014	333-008-1170	7-11-2014	Adopt	8-1-2014
333-008-0120	1-15-2014	Amend(T)	2-1-2014	333-008-1170(T)	7-11-2014	Repeal	8-1-2014
333-008-0120	7-11-2014	Amend	8-1-2014	333-008-1180	1-15-2014	Adopt(T)	2-1-2014
333-008-0120(T)	7-11-2014	Repeal	8-1-2014	333-008-1180	7-11-2014	Adopt	8-1-2014
333-008-1000	1-15-2014	Adopt(T)	2-1-2014	333-008-1180(T)	7-11-2014	Repeal	8-1-2014
333-008-1000	7-11-2014	Adopt	8-1-2014	333-008-1190	1-15-2014	Adopt(T)	2-1-2014
333-008-1000(T)	7-11-2014	Repeal	8-1-2014	333-008-1190	2-21-2014	Adopt(T)	4-1-2014
333-008-1010	1-15-2014	Adopt(T)	2-1-2014	333-008-1190	7-11-2014	Adopt	8-1-2014
333-008-1010	7-11-2014	Adopt	8-1-2014	333-008-1190(T)	2-21-2014	Suspend	4-1-2014
333-008-1010(T)	7-11-2014	Repeal	8-1-2014	333-008-1190(T)	7-11-2014	Repeal	8-1-2014
333-008-1020	1-15-2014	Adopt(T)	2-1-2014	333-008-1200	1-15-2014	Adopt(T)	2-1-2014
333-008-1020	7-11-2014	Adopt	8-1-2014	333-008-1200	7-11-2014	Adopt	8-1-2014
333-008-1020(T)	7-11-2014	Repeal	8-1-2014	333-008-1200(T)	7-11-2014	Repeal	8-1-2014
333-008-1030	1-15-2014	Adopt(T)	2-1-2014	333-008-1210	1-15-2014	Adopt(T)	2-1-2014
333-008-1030	7-11-2014	Adopt	8-1-2014	333-008-1210	7-11-2014	Adopt	8-1-2014
333-008-1030(T)	7-11-2014	Repeal	8-1-2014	333-008-1210(T)	7-11-2014	Repeal	8-1-2014
333-008-1040	1-15-2014	Adopt(T)	2-1-2014	333-008-1220	1-15-2014	Adopt(T)	2-1-2014
333-008-1040	7-11-2014	Adopt	8-1-2014	333-008-1220	7-11-2014	Adopt	8-1-2014
333-008-1040(T)	7-11-2014	Repeal	8-1-2014	333-008-1220(T)	7-11-2014	Repeal	8-1-2014
333-008-1050	1-15-2014	Adopt(T)	2-1-2014	333-008-1225	4-1-2014	Adopt(T)	5-1-2014
333-008-1050	7-11-2014	Adopt	8-1-2014	333-008-1230	1-15-2014	Adopt(T)	2-1-2014
333-008-1050(T)	7-11-2014	Repeal	8-1-2014	333-008-1230	7-11-2014	Adopt	8-1-2014
333-008-1060	1-15-2014	Adopt(T)	2-1-2014	333-008-1230(T)	7-11-2014	Repeal	8-1-2014
333-008-1060	7-11-2014	Adopt	8-1-2014	333-008-1240	1-15-2014	Adopt(T)	2-1-2014
333-008-1060(T)	7-11-2014	Repeal	8-1-2014	333-008-1240(T)	4-1-2014	Suspend	5-1-2014
333-008-1070	1-15-2014	Adopt(T)	2-1-2014	333-008-1245	4-1-2014	Adopt(T)	5-1-2014
333-008-1070	7-11-2014	Adopt	8-1-2014	333-008-1250	1-15-2014	Adopt(T)	2-1-2014
333-008-1070(T)	7-11-2014	Repeal	8-1-2014	333-008-1250	7-11-2014	Adopt	8-1-2014
333-008-1080	1-15-2014	Adopt(T)	2-1-2014	333-008-1250(T)	7-11-2014	Repeal	8-1-2014
333-008-1080	7-11-2014	Adopt	8-1-2014	333-008-1260	1-15-2014	Adopt(T)	2-1-2014
333-008-1080(T)	7-11-2014	Repeal	8-1-2014	333-008-1260	7-11-2014	Adopt	8-1-2014
333-008-1090	1-15-2014	Adopt(T)	2-1-2014	333-008-1260(T)	7-11-2014	Repeal	8-1-2014
333-008-1090	7-11-2014	Adopt	8-1-2014	333-008-1270	1-15-2014	Adopt(T)	2-1-2014
333-008-1090(T)	7-11-2014	Repeal	8-1-2014	333-008-1270(T)	4-1-2014	Suspend	5-1-2014
333-008-1100	1-15-2014	Adopt(T)	2-1-2014	333-008-1275	4-1-2014	Adopt(T)	5-1-2014
333-008-1100	7-11-2014	Adopt	8-1-2014	333-008-1280	1-15-2014	Adopt(T)	2-1-2014
333-008-1100(T)	7-11-2014	Repeal	8-1-2014	333-008-1280	7-11-2014	Adopt	8-1-2014
333-008-1110	1-15-2014	Adopt(T)	2-1-2014	333-008-1280(T)	7-11-2014	Repeal	8-1-2014
333-008-1110	7-11-2014	Adopt	8-1-2014	333-008-1290	1-15-2014	Adopt(T)	2-1-2014
333-008-1110(T)	7-11-2014	Repeal	8-1-2014	333-008-1290	7-11-2014	Adopt	8-1-2014
333-008-1120	1-15-2014	Adopt(T)	2-1-2014	333-008-1290(T)	7-11-2014	Repeal	8-1-2014
333-008-1120	7-11-2014	Adopt	8-1-2014	333-008-1400	4-1-2014	Adopt(T)	5-1-2014
333-008-1120(T)	7-11-2014	Repeal	8-1-2014	333-010-0105	4-22-2014	Amend(T)	6-1-2014
333-008-1130	1-15-2014	Adopt(T)	2-1-2014	333-010-0155	4-22-2014	Amend(T)	6-1-2014
333-008-1130	7-11-2014	Adopt	8-1-2014	333-010-0205	4-18-2014	Amend(T)	6-1-2014
333-008-1130(T)	7-11-2014	Repeal	8-1-2014	333-010-0215	4-18-2014	Amend(T)	6-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
333-010-0220	4-18-2014	Amend(T)	6-1-2014	333-014-0090	6-20-2014	Adopt(T)	8-1-2014
333-010-0225	4-18-2014	Amend(T)	6-1-2014	333-014-0100	6-20-2014	Adopt(T)	8-1-2014
333-010-0235	4-18-2014	Amend(T)	6-1-2014	333-017-0000	1-1-2014	Amend	2-1-2014
333-010-0245	4-18-2014	Amend(T)	6-1-2014	333-018-0005	1-1-2014	Amend	2-1-2014
333-010-0250	4-18-2014	Amend(T)	6-1-2014	333-018-0010	1-1-2014	Amend	2-1-2014
333-010-0260	4-18-2014	Amend(T)	6-1-2014	333-018-0015	1-1-2014	Amend	2-1-2014
333-010-0265	4-18-2014	Amend(T)	6-1-2014	333-018-0018	1-1-2014	Amend	2-1-2014
333-010-0270	4-18-2014	Amend(T)	6-1-2014	333-018-0020	1-1-2014	Amend	2-1-2014
333-010-0275	4-18-2014	Amend(T)	6-1-2014	333-018-0035	1-1-2014	Amend	2-1-2014
333-010-0280	4-18-2014	Amend(T)	6-1-2014	333-018-0100	6-9-2014	Amend	7-1-2014
333-010-0285	4-18-2014	Amend(T)	6-1-2014	333-018-0110	6-9-2014	Amend	7-1-2014
333-010-0290	4-18-2014	Amend(T)	6-1-2014	333-018-0115	6-9-2014	Amend	7-1-2014
333-011-0006	1-1-2014	Repeal	2-1-2014	333-018-0120	6-9-2014	Amend	7-1-2014
333-011-0011	1-1-2014	Repeal	2-1-2014	333-018-0125	6-9-2014	Amend	7-1-2014
333-011-0016	1-1-2014	Repeal	2-1-2014	333-018-0127	6-9-2014	Adopt	7-1-2014
333-011-0021	1-1-2014	Repeal	2-1-2014	333-018-0130	6-9-2014	Amend	7-1-2014
333-011-0043	1-1-2014	Repeal	2-1-2014	333-018-0135	6-9-2014	Amend	7-1-2014
333-011-0047	1-1-2014	Am. & Ren.	2-1-2014	333-019-0010	1-1-2014	Amend	2-1-2014
333-011-0048	1-1-2014	Repeal	2-1-2014	333-019-0014	1-1-2014	Amend	2-1-2014
333-011-0061	1-1-2014	Repeal	2-1-2014	333-019-0031	1-1-2014	Amend	2-1-2014
333-011-0067	1-1-2014	Repeal	2-1-2014	333-019-0046	1-1-2014	Repeal	2-1-2014
333-011-0072	1-1-2014	Repeal	2-1-2014	333-019-0052	1-1-2014	Adopt	2-1-2014
333-011-0073	1-1-2014	Repeal	2-1-2014	333-024-0205	5-1-2014	Amend	5-1-2014
333-011-0076	1-1-2014	Am. & Ren.	2-1-2014	333-024-0210	5-1-2014	Amend	5-1-2014
333-011-0096	1-1-2014	Repeal	2-1-2014	333-024-0215	5-1-2014	Amend	5-1-2014
333-011-0101	1-1-2014	Am. & Ren.	2-1-2014	333-024-0220	5-1-2014	Amend	5-1-2014
333-011-0106	1-1-2014	Am. & Ren.	2-1-2014	333-024-0225	5-1-2014	Amend	5-1-2014
333-011-0110	1-1-2014	Am. & Ren.	2-1-2014	333-024-0230	5-1-2014	Amend	5-1-2014
333-011-0116	1-1-2014	Repeal	2-1-2014	333-024-0231	5-1-2014	Amend	5-1-2014
333-011-0155	1-1-2014	Repeal	2-1-2014	333-024-0232	5-1-2014	Amend	5-1-2014
333-011-0200	1-1-2014	Am. & Ren.	2-1-2014	333-024-0235	5-1-2014	Amend	5-1-2014
333-011-0205	1-1-2014	Adopt	2-1-2014	333-024-0240	1-30-2014	Amend	3-1-2014
333-011-0210	1-1-2014	Adopt	2-1-2014	333-024-0240	5-1-2014	Amend	5-1-2014
333-011-0215	1-1-2014	Adopt	2-1-2014	333-024-0241	1-30-2014	Repeal	3-1-2014
333-011-0220	1-1-2014	Adopt	2-1-2014	333-028-0200	1-1-2014	Adopt	2-1-2014
333-011-0225	1-1-2014	Adopt	2-1-2014	333-028-0210	1-1-2014	Adopt	2-1-2014
333-011-0230	1-1-2014	Adopt	2-1-2014	333-028-0220	1-1-2014	Adopt	2-1-2014
333-011-0235	1-1-2014	Adopt	2-1-2014	333-028-0230	1-1-2014	Adopt	2-1-2014
333-011-0240	1-1-2014	Adopt	2-1-2014	333-028-0240	1-1-2014	Adopt	2-1-2014
333-011-0245	1-1-2014	Adopt	2-1-2014	333-028-0250	1-1-2014	Adopt	2-1-2014
333-011-0250	1-1-2014	Adopt	2-1-2014	333-028-0260	4-1-2014	Adopt	5-1-2014
333-011-0255	1-1-2014	Adopt	2-1-2014	333-028-0270	4-1-2014	Adopt	5-1-2014
333-011-0260	1-1-2014	Adopt	2-1-2014	333-028-0280	4-1-2014	Adopt	5-1-2014
333-011-0265	1-1-2014	Adopt	2-1-2014	333-050-0010	3-1-2014	Amend	3-1-2014
333-011-0270	1-1-2014	Adopt	2-1-2014	333-050-0020	3-1-2014	Amend	3-1-2014
333-011-0280	1-1-2014	Adopt	2-1-2014	333-050-0040	3-1-2014	Amend	3-1-2014
333-011-0285	1-1-2014	Adopt	2-1-2014	333-050-0050	3-1-2014	Amend	3-1-2014
333-011-0300	1-1-2014	Adopt	2-1-2014	333-050-0060	3-1-2014	Amend	3-1-2014
333-011-0305	1-1-2014	Adopt	2-1-2014	333-050-0070	3-1-2014	Amend	3-1-2014
333-011-0310	1-1-2014	Adopt	2-1-2014	333-050-0080	3-1-2014	Amend	3-1-2014
333-011-0320	1-1-2014	Adopt	2-1-2014	333-050-0100	3-1-2014	Amend	3-1-2014
333-011-0325	1-1-2014	Adopt	2-1-2014	333-050-0110	3-1-2014	Amend	3-1-2014
333-011-0330	1-1-2014	Adopt	2-1-2014	333-050-0120	3-1-2014	Amend	3-1-2014
333-014-0040	6-20-2014	Amend(T)	8-1-2014	333-050-0130	3-1-2014	Amend	3-1-2014
333-014-0042	6-20-2014	Adopt(T)	8-1-2014	333-050-0140	3-1-2014	Amend	3-1-2014
333-014-0080	6-20-2014	Adopt(T)	8-1-2014	333-052-0040	1-30-2014	Amend	3-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
333-052-0043	1-30-2014	Amend	3-1-2014	333-072-0200	6-2-2014	Adopt	7-1-2014
333-052-0044	1-30-2014	Amend	3-1-2014	333-072-0205	6-2-2014	Adopt	7-1-2014
333-052-0120	1-30-2014	Amend	3-1-2014	333-072-0210	6-2-2014	Adopt	7-1-2014
333-053-0000	1-30-2014	Adopt	3-1-2014	333-072-0215	6-2-2014	Adopt	7-1-2014
333-054-0052	1-30-2014	Adopt	3-1-2014	333-072-0215	7-28-2014	Amend(T)	9-1-2014
333-055-0100	11-19-2013	Adopt	1-1-2014	333-072-0215	8-7-2014	Amend(T)	9-1-2014
333-055-0100(T)	11-19-2013	Repeal	1-1-2014	333-072-0220	6-2-2014	Adopt	7-1-2014
333-055-0105	11-19-2013	Adopt	1-1-2014	333-072-0225	6-2-2014	Adopt	7-1-2014
333-055-0105(T)	11-19-2013	Repeal	1-1-2014	333-076-0670	1-1-2014	Amend(T)	2-1-2014
333-055-0110	11-19-2013	Adopt	1-1-2014	333-076-0670	6-17-2014	Amend	8-1-2014
333-055-0110(T)	11-19-2013	Repeal	1-1-2014	333-076-0670(T)	6-17-2014	Repeal	8-1-2014
333-055-0115	11-19-2013	Adopt	1-1-2014	333-081-0000	2-1-2014	Adopt	3-1-2014
333-056-0020	1-1-2014	Amend	2-1-2014	333-081-0005	2-1-2014	Adopt	3-1-2014
333-056-0030	1-1-2014	Amend	2-1-2014	333-081-0010	2-1-2014	Adopt	3-1-2014
333-056-0040	1-1-2014	Amend	2-1-2014	333-081-0015	2-1-2014	Adopt	3-1-2014
333-056-0045	1-1-2014	Adopt	2-1-2014	333-081-0020	2-1-2014	Adopt	3-1-2014
333-056-0050	1-1-2014	Amend	2-1-2014	333-081-0025	2-1-2014	Adopt	3-1-2014
333-060-0075	9-1-2014	Amend	9-1-2014	333-081-0030	2-1-2014	Adopt	3-1-2014
333-060-0105	9-1-2014	Amend	9-1-2014	333-081-0035	2-1-2014	Adopt	3-1-2014
333-060-0128	9-1-2014	Amend	9-1-2014	333-081-0040	2-1-2014	Adopt	3-1-2014
333-060-0145	9-1-2014	Amend	9-1-2014	333-081-0045	2-1-2014	Adopt	3-1-2014
333-060-0165	9-1-2014	Amend	9-1-2014	333-081-0050	2-1-2014	Adopt	3-1-2014
333-060-0170	9-1-2014	Amend	9-1-2014	333-081-0055	2-1-2014	Adopt	3-1-2014
333-060-0205	9-1-2014	Amend	9-1-2014	333-081-0060	2-1-2014	Adopt	3-1-2014
333-060-0505	9-1-2014	Amend	9-1-2014	333-081-0065	2-1-2014	Adopt	3-1-2014
333-060-0700	9-1-2014	Adopt	9-1-2014	333-081-0070	2-1-2014	Adopt	3-1-2014
333-060-0705	9-1-2014	Adopt	9-1-2014	333-081-0075	2-1-2014	Adopt	3-1-2014
333-061-0020	5-8-2014	Amend	6-1-2014	333-081-0080	2-1-2014	Adopt	3-1-2014
333-061-0065	5-8-2014	Amend	6-1-2014	333-081-0085	2-1-2014	Adopt	3-1-2014
333-061-0072	5-8-2014	Amend	6-1-2014	333-081-0090	2-1-2014	Adopt	3-1-2014
333-061-0073	5-8-2014	Amend	6-1-2014	333-100-0020	8-15-2014	Amend	9-1-2014
333-061-0090	5-8-2014	Amend	6-1-2014	333-101-0003	8-15-2014	Amend	9-1-2014
333-061-0205	5-8-2014	Repeal	6-1-2014	333-101-0020	8-15-2014	Amend	9-1-2014
333-061-0210	5-8-2014	Amend	6-1-2014	333-102-0300	8-15-2014	Amend	9-1-2014
333-061-0220	5-8-2014	Amend	6-1-2014	333-103-0003	8-15-2014	Amend	9-1-2014
333-061-0225	5-8-2014	Amend	6-1-2014	333-103-0010	8-15-2014	Amend	9-1-2014
333-061-0228	5-8-2014	Amend	6-1-2014	333-103-0015	8-15-2014	Amend	9-1-2014
333-061-0230	5-8-2014	Amend	6-1-2014	333-103-0030	8-15-2014	Amend	9-1-2014
333-061-0232	5-8-2014	Adopt	6-1-2014	333-103-0035	8-15-2014	Amend	9-1-2014
333-061-0235	5-8-2014	Amend	6-1-2014	333-106-0015	8-15-2014	Amend	9-1-2014
333-061-0245	5-8-2014	Amend	6-1-2014	333-106-0055	8-15-2014	Amend	9-1-2014
333-061-0250	5-8-2014	Amend	6-1-2014	333-106-0325	8-15-2014	Amend	9-1-2014
333-061-0260	5-8-2014	Amend	6-1-2014	333-106-0345	8-15-2014	Adopt	9-1-2014
333-061-0265	5-8-2014	Amend	6-1-2014	333-106-0350	8-15-2014	Amend	9-1-2014
333-061-0270	5-8-2014	Amend	6-1-2014	333-106-0355	8-15-2014	Amend	9-1-2014
333-061-0272	5-8-2014	Amend	6-1-2014	333-106-0360	8-15-2014	Amend	9-1-2014
333-061-0290	5-8-2014	Repeal	6-1-2014	333-106-0361	8-15-2014	Adopt	9-1-2014
333-062-0070	9-1-2014	Amend	9-1-2014	333-106-0362	8-15-2014	Adopt	9-1-2014
333-062-0080	9-1-2014	Amend	9-1-2014	333-106-0363	8-15-2014	Adopt	9-1-2014
333-062-0103	9-1-2014	Amend	9-1-2014	333-106-0364	8-15-2014	Adopt	9-1-2014
333-062-0120	9-1-2014	Amend	9-1-2014	333-106-0365	8-15-2014	Repeal	9-1-2014
333-062-0145	9-1-2014	Amend	9-1-2014	333-106-0366	8-15-2014	Adopt	9-1-2014
333-062-0150	9-1-2014	Amend	9-1-2014	333-106-0367	8-15-2014	Adopt	9-1-2014
333-062-0170	9-1-2014	Amend	9-1-2014	333-106-0368	8-15-2014	Adopt	9-1-2014
333-062-0250	9-1-2014	Adopt	9-1-2014	333-106-0369	8-15-2014	Adopt	9-1-2014
333-062-0255	9-1-2014	Adopt	9-1-2014	333-106-0735	1-1-2014	Adopt	2-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
333-116-0045	8-15-2014	Amend	9-1-2014	340-011-0550	1-6-2014	Amend	2-1-2014
333-116-0190	8-15-2014	Amend	9-1-2014	340-011-0555	1-6-2014	Amend	2-1-2014
333-116-0660	1-1-2014	Amend	2-1-2014	340-011-0565	1-6-2014	Amend	2-1-2014
333-116-0680	1-1-2014	Amend	2-1-2014	340-011-0570	1-6-2014	Amend	2-1-2014
333-116-0680	8-15-2014	Amend	9-1-2014	340-011-0573	1-6-2014	Amend	2-1-2014
333-116-0683	1-1-2014	Amend	2-1-2014	340-011-0575	1-6-2014	Amend	2-1-2014
333-116-0683	8-15-2014	Amend	9-1-2014	340-011-0580	1-6-2014	Amend	2-1-2014
333-116-0687	1-1-2014	Amend	2-1-2014	340-011-0585	1-6-2014	Amend	2-1-2014
333-116-0687	8-15-2014	Amend	9-1-2014	340-011-0605	1-6-2014	Repeal	2-1-2014
333-116-0690	1-1-2014	Amend	2-1-2014	340-012-0026	1-6-2014	Amend	2-1-2014
333-116-0690	8-15-2014	Amend	9-1-2014	340-012-0027	1-6-2014	Repeal	2-1-2014
333-116-0700	1-1-2014	Amend	2-1-2014	340-012-0028	1-6-2014	Amend	2-1-2014
333-116-0715	1-1-2014	Amend	2-1-2014	340-012-0030	1-6-2014	Amend	2-1-2014
333-118-0020	8-15-2014	Amend	9-1-2014	340-012-0038	1-6-2014	Amend	2-1-2014
333-118-0040	1-1-2014	Amend	2-1-2014	340-012-0041	1-6-2014	Amend	2-1-2014
333-118-0190	8-15-2014	Amend	9-1-2014	340-012-0045	1-6-2014	Amend	2-1-2014
333-119-0010	1-1-2014	Amend	2-1-2014	340-012-0053	1-6-2014	Amend	2-1-2014
333-119-0090	1-1-2014	Amend	2-1-2014	340-012-0054	1-6-2014	Amend	2-1-2014
333-119-0110	1-1-2014	Amend	2-1-2014	340-012-0055	1-6-2014	Amend	2-1-2014
333-120-0710	8-15-2014	Amend	9-1-2014	340-012-0060	1-6-2014	Amend	2-1-2014
333-520-0060	1-1-2014	Amend(T)	2-1-2014	340-012-0065	1-6-2014	Amend	2-1-2014
333-520-0060	6-17-2014	Amend	8-1-2014	340-012-0066	1-6-2014	Amend	2-1-2014
333-520-0060(T)	6-17-2014	Repeal	8-1-2014	340-012-0067	1-6-2014	Amend	2-1-2014
334-010-0005	1-1-2014	Amend	1-1-2014	340-012-0068	1-6-2014	Amend	2-1-2014
334-010-0006	1-1-2014	Adopt	1-1-2014	340-012-0071	1-6-2014	Amend	2-1-2014
334-010-0010	1-1-2014	Amend	1-1-2014	340-012-0072	1-6-2014	Amend	2-1-2014
334-010-0033	1-1-2014	Amend	1-1-2014	340-012-0073	1-6-2014	Amend	2-1-2014
334-010-0050	1-1-2014	Amend	1-1-2014	340-012-0074	1-6-2014	Amend	2-1-2014
334-020-0005	1-1-2014	Amend	1-1-2014	340-012-0079	1-6-2014	Amend	2-1-2014
334-040-0010	1-1-2014	Amend	1-1-2014	340-012-0081	1-6-2014	Amend	2-1-2014
335-005-0026	5-19-2014	Adopt(T)	6-1-2014	340-012-0082	1-6-2014	Amend	2-1-2014
335-060-0007	3-7-2014	Amend	4-1-2014	340-012-0083	1-6-2014	Amend	2-1-2014
337-021-0055	7-1-2014	Adopt	7-1-2014	340-012-0097	1-6-2014	Amend	2-1-2014
340-011-0005	1-6-2014	Amend	2-1-2014	340-012-0130	1-6-2014	Amend	2-1-2014
340-011-0010	1-6-2014	Amend	2-1-2014	340-012-0135	1-6-2014	Amend	2-1-2014
340-011-0024	1-6-2014	Amend	2-1-2014	340-012-0140	1-6-2014	Amend	2-1-2014
340-011-0029	1-6-2014	Amend	2-1-2014	340-012-0145	1-6-2014	Amend	2-1-2014
340-011-0046	1-6-2014	Amend	2-1-2014	340-012-0150	1-6-2014	Amend	2-1-2014
340-011-0053	1-6-2014	Amend	2-1-2014	340-012-0155	1-6-2014	Amend	2-1-2014
340-011-0061	1-6-2014	Amend	2-1-2014	340-012-0160	1-6-2014	Amend	2-1-2014
340-011-0310	1-6-2014	Amend	2-1-2014	340-012-0162	1-6-2014	Amend	2-1-2014
340-011-0330	1-6-2014	Amend	2-1-2014	340-012-0165	1-6-2014	Amend	2-1-2014
340-011-0340	1-6-2014	Amend	2-1-2014	340-012-0170	1-6-2014	Amend	2-1-2014
340-011-0360	1-6-2014	Amend	2-1-2014	340-018-0030	1-2-2014	Amend	2-1-2014
340-011-0370	1-6-2014	Amend	2-1-2014	340-040-0020	12-23-2013	Amend	2-1-2014
340-011-0380	1-6-2014	Amend	2-1-2014	340-040-0080	12-23-2013	Amend	2-1-2014
340-011-0390	1-6-2014	Amend	2-1-2014	340-041-0009	12-23-2013	Amend	2-1-2014
340-011-0500	1-6-2014	Amend	2-1-2014	340-041-0033	4-18-2014	Amend	2-1-2014
340-011-0510	1-6-2014	Amend	2-1-2014	340-054-0010	2-3-2014	Amend	3-1-2014
340-011-0515	1-6-2014	Amend	2-1-2014	340-054-0011	2-3-2014	Amend	3-1-2014
340-011-0520	1-6-2014	Amend	2-1-2014	340-054-0071	2-3-2014	Adopt	3-1-2014
340-011-0525	1-6-2014	Amend	2-1-2014	340-054-0072	2-3-2014	Adopt	3-1-2014
340-011-0530	1-6-2014	Amend	2-1-2014	340-071-0100	1-2-2014	Amend	2-1-2014
340-011-0535	1-6-2014	Amend	2-1-2014	340-071-0115	1-2-2014	Amend	2-1-2014
340-011-0540	1-6-2014	Amend	2-1-2014	340-071-0120	1-2-2014	Amend	2-1-2014
340-011-0545	1-6-2014	Amend	2-1-2014	340-071-0130	1-2-2014	Amend	2-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
340-071-0131	1-2-2014	Repeal	2-1-2014	340-253-0060	1-1-2014	Amend(T)	2-1-2014
340-071-0135	1-2-2014	Amend	2-1-2014	340-253-0060	6-26-2014	Amend	8-1-2014
340-071-0140	1-2-2014	Amend	2-1-2014	340-253-0100	1-1-2014	Amend(T)	2-1-2014
340-071-0150	1-2-2014	Amend	2-1-2014	340-253-0100	6-26-2014	Amend	8-1-2014
340-071-0155	1-2-2014	Amend	2-1-2014	340-253-0250	1-1-2014	Amend(T)	2-1-2014
340-071-0160	1-2-2014	Amend	2-1-2014	340-253-0250	6-26-2014	Amend	8-1-2014
340-071-0162	1-2-2014	Amend	2-1-2014	340-253-0310	1-1-2014	Amend(T)	2-1-2014
340-071-0165	1-2-2014	Amend	2-1-2014	340-253-0310	6-26-2014	Amend	8-1-2014
340-071-0170	1-2-2014	Amend	2-1-2014	340-253-0320	1-1-2014	Amend(T)	2-1-2014
340-071-0205	1-2-2014	Amend	2-1-2014	340-253-0320	6-26-2014	Amend	8-1-2014
340-071-0215	1-2-2014	Amend	2-1-2014	340-253-0340	1-1-2014	Amend(T)	2-1-2014
340-071-0220	1-2-2014	Amend	2-1-2014	340-253-0340	6-26-2014	Amend	8-1-2014
340-071-0260	1-2-2014	Amend	2-1-2014	340-253-0400	1-1-2014	Amend(T)	2-1-2014
340-071-0265	1-2-2014	Amend	2-1-2014	340-253-0400	6-26-2014	Amend	8-1-2014
340-071-0270	1-2-2014	Repeal	2-1-2014	340-253-0500	1-1-2014	Amend(T)	2-1-2014
340-071-0275	1-2-2014	Amend	2-1-2014	340-253-0500	6-26-2014	Amend	8-1-2014
340-071-0290	1-2-2014	Amend	2-1-2014	340-253-0600	1-1-2014	Amend(T)	2-1-2014
340-071-0295	1-2-2014	Amend	2-1-2014	340-253-0600	6-26-2014	Amend	8-1-2014
340-071-0302	1-2-2014	Amend	2-1-2014	340-253-0630	1-1-2014	Amend(T)	2-1-2014
340-071-0325	1-2-2014	Amend	2-1-2014	340-253-0630	6-26-2014	Amend	8-1-2014
340-071-0335	1-2-2014	Amend	2-1-2014	340-253-0650	1-1-2014	Amend(T)	2-1-2014
340-071-0340	1-2-2014	Amend	2-1-2014	340-253-0650	6-26-2014	Amend	8-1-2014
340-071-0345	1-2-2014	Amend	2-1-2014	340-253-3000	1-1-2014	Amend(T)	2-1-2014
340-071-0360	1-2-2014	Amend	2-1-2014	340-253-3000	6-26-2014	Repeal	8-1-2014
340-071-0400	1-2-2014	Amend	2-1-2014	340-253-3010	1-1-2014	Amend(T)	2-1-2014
340-071-0415	1-2-2014	Amend	2-1-2014	340-253-3010	6-26-2014	Amend	8-1-2014
340-071-0420	1-2-2014	Amend	2-1-2014	340-253-3020	1-1-2014	Amend(T)	2-1-2014
340-071-0425	1-2-2014	Amend	2-1-2014	340-253-3020	6-26-2014	Amend	8-1-2014
340-071-0435	1-2-2014	Amend	2-1-2014	340-257-0010	12-19-2013	Amend	2-1-2014
340-071-0445	1-2-2014	Amend	2-1-2014	340-257-0020	12-19-2013	Amend	2-1-2014
340-071-0520	1-2-2014	Amend	2-1-2014	340-257-0030	12-19-2013	Amend	2-1-2014
340-071-0600	1-2-2014	Amend	2-1-2014	340-257-0050	12-19-2013	Amend	2-1-2014
340-071-0650	1-2-2014	Amend	2-1-2014	340-257-0070	12-19-2013	Amend	2-1-2014
340-200-0040	12-19-2013	Amend	2-1-2014	340-257-0080	12-19-2013	Amend	2-1-2014
340-200-0040	1-6-2014	Amend	2-1-2014	340-257-0090	12-19-2013	Amend	2-1-2014
340-200-0040	3-31-2014	Amend	5-1-2014	340-257-0100	12-19-2013	Amend	2-1-2014
340-200-0040	3-31-2014	Amend	5-1-2014	340-257-0110	12-19-2013	Amend	2-1-2014
340-200-0040	3-31-2014	Amend	5-1-2014	340-257-0120	12-19-2013	Amend	2-1-2014
340-200-0040	6-26-2014	Amend	8-1-2014	340-259-0010	3-31-2014	Amend	5-1-2014
340-210-0100	6-26-2014	Amend	8-1-2014	407-025-0010	2-14-2014	Adopt	3-1-2014
340-216-0020	6-26-2014	Amend	8-1-2014	407-025-0050	2-14-2014	Adopt	3-1-2014
340-216-0025	6-26-2014	Amend	8-1-2014	409-022-0050	2-24-2014	Amend	4-1-2014
340-216-0040	6-26-2014	Amend	8-1-2014	409-023-0000	1-1-2014	Am. & Ren.	2-1-2014
340-216-0052	6-26-2014	Amend	8-1-2014	409-023-0005	1-1-2014	Am. & Ren.	2-1-2014
340-216-0054	6-26-2014	Amend	8-1-2014	409-023-0010	1-1-2014	Am. & Ren.	2-1-2014
340-216-0056	6-26-2014	Amend	8-1-2014	409-023-0012	1-1-2014	Am. & Ren.	2-1-2014
340-216-0060	6-26-2014	Amend	8-1-2014	409-023-0013	1-1-2014	Am. & Ren.	2-1-2014
340-216-0062	6-26-2014	Amend	8-1-2014	409-023-0015	1-1-2014	Am. & Ren.	2-1-2014
340-216-0064	6-26-2014	Amend	8-1-2014	409-023-0020	1-1-2014	Am. & Ren.	2-1-2014
340-216-0066	6-26-2014	Amend	8-1-2014	409-023-0025	1-1-2014	Am. & Ren.	2-1-2014
340-216-0070	6-26-2014	Amend	8-1-2014	409-023-0030	1-1-2014	Am. & Ren.	2-1-2014
340-216-0090	6-26-2014	Amend	8-1-2014	409-023-0035	1-1-2014	Am. & Ren.	2-1-2014
340-216-8010	6-26-2014	Adopt	8-1-2014	409-045-0000	7-1-2014	Repeal	8-1-2014
340-216-8020	6-26-2014	Adopt	8-1-2014	409-045-0025	7-1-2014	Adopt	8-1-2014
340-253-0040	1-1-2014	Amend(T)	2-1-2014	409-045-0030	7-1-2014	Adopt	8-1-2014
340-253-0040	6-26-2014	Amend	8-1-2014	409-045-0035	7-1-2014	Adopt	8-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
409-045-0040	7-1-2014	Adopt	8-1-2014	410-120-0030(T)	4-4-2014	Repeal	5-1-2014
409-045-0045	7-1-2014	Adopt	8-1-2014	410-120-0045	12-27-2013	Amend	2-1-2014
409-045-0050	7-1-2014	Adopt	8-1-2014	410-120-0045(T)	12-27-2013	Repeal	2-1-2014
409-045-0055	7-1-2014	Adopt	8-1-2014	410-120-1140	7-3-2014	Amend	8-1-2014
409-045-0060	7-1-2014	Adopt	8-1-2014	410-120-1160	12-27-2013	Amend	2-1-2014
409-045-0065	7-1-2014	Adopt	8-1-2014	410-120-1160(T)	12-27-2013	Repeal	2-1-2014
409-045-0070	7-1-2014	Adopt	8-1-2014	410-120-1200	12-27-2013	Amend	2-1-2014
409-045-0075	7-1-2014	Adopt	8-1-2014	410-120-1200(T)	12-27-2013	Repeal	2-1-2014
409-045-0105	1-1-2014	Adopt(T)	2-1-2014	410-120-1210	12-27-2013	Amend	2-1-2014
409-045-0105(T)	7-1-2014	Repeal	8-1-2014	410-120-1210	1-1-2014	Amend(T)	2-1-2014
409-045-0110	1-1-2014	Adopt(T)	2-1-2014	410-120-1210	4-4-2014	Amend	5-1-2014
409-045-0110(T)	7-1-2014	Repeal	8-1-2014	410-120-1210(T)	12-27-2013	Repeal	2-1-2014
409-045-0115	1-1-2014	Adopt(T)	2-1-2014	410-120-1210(T)	4-4-2014	Repeal	5-1-2014
409-045-0115	7-1-2014	Amend	8-1-2014	410-120-1230	1-1-2014	Amend(T)	2-1-2014
409-045-0120	1-1-2014	Adopt(T)	2-1-2014	410-120-1230	4-4-2014	Amend	5-1-2014
409-045-0120	7-1-2014	Amend	8-1-2014	410-120-1230(T)	4-4-2014	Repeal	5-1-2014
409-045-0125	1-1-2014	Adopt(T)	2-1-2014	410-120-1340	12-30-2013	Amend(T)	2-1-2014
409-045-0125	7-1-2014	Amend	8-1-2014	410-120-1340	4-4-2014	Amend	5-1-2014
409-045-0130	1-1-2014	Adopt(T)	2-1-2014	410-120-1340(T)	4-4-2014	Repeal	5-1-2014
409-045-0130	7-1-2014	Amend	8-1-2014	410-120-1855	12-27-2013	Amend	2-1-2014
409-045-0135	1-1-2014	Adopt(T)	2-1-2014	410-120-1855(T)	12-27-2013	Repeal	2-1-2014
409-045-0135	7-1-2014	Amend	8-1-2014	410-121-0030	1-1-2014	Amend(T)	2-1-2014
409-110-0000	2-24-2014	Repeal	4-1-2014	410-121-0030	1-10-2014	Amend(T)	2-1-2014
409-110-0005	2-24-2014	Repeal	4-1-2014	410-121-0030	3-21-2014	Amend(T)	5-1-2014
409-110-0010	2-24-2014	Repeal	4-1-2014	410-121-0030	5-2-2014	Amend(T)	6-1-2014
409-110-0015	2-24-2014	Repeal	4-1-2014	410-121-0030	6-30-2014	Amend	8-1-2014
409-110-0020	2-24-2014	Repeal	4-1-2014	410-121-0030	7-15-2014	Amend(T)	8-1-2014
410-050-0100	4-1-2014	Repeal	5-1-2014	410-121-0030(T)	1-10-2014	Suspend	2-1-2014
410-050-0110	4-1-2014	Repeal	5-1-2014	410-121-0030(T)	6-30-2014	Repeal	8-1-2014
410-050-0120	4-1-2014	Repeal	5-1-2014	410-121-0040	1-1-2014	Amend(T)	2-1-2014
410-050-0130	4-1-2014	Repeal	5-1-2014	410-121-0040	3-21-2014	Amend(T)	5-1-2014
410-050-0140	4-1-2014	Repeal	5-1-2014	410-121-0040	5-2-2014	Amend(T)	6-1-2014
410-050-0150	4-1-2014	Repeal	5-1-2014	410-121-0040	6-30-2014	Amend	8-1-2014
410-050-0160	4-1-2014	Repeal	5-1-2014	410-121-0040	7-15-2014	Amend(T)	8-1-2014
410-050-0170	4-1-2014	Repeal	5-1-2014	410-121-0040	8-13-2014	Amend(T)	9-1-2014
410-050-0180	4-1-2014	Repeal	5-1-2014	410-121-0040(T)	6-30-2014	Repeal	8-1-2014
410-050-0190	4-1-2014	Repeal	5-1-2014	410-121-0111	1-28-2014	Amend	3-1-2014
410-050-0200	4-1-2014	Repeal	5-1-2014	410-121-4005	11-19-2013	Amend	1-1-2014
410-050-0210	4-1-2014	Repeal	5-1-2014	410-121-4010	11-19-2013	Amend	1-1-2014
410-050-0220	4-1-2014	Repeal	5-1-2014	410-121-4020	11-19-2013	Amend	1-1-2014
410-050-0230	4-1-2014	Repeal	5-1-2014	410-122-0055	1-1-2014	Suspend	2-1-2014
410-050-0240	4-1-2014	Repeal	5-1-2014	410-122-0055	4-4-2014	Repeal	5-1-2014
410-050-0250	4-1-2014	Repeal	5-1-2014	410-122-0186	2-1-2014	Amend(T)	2-1-2014
410-050-0870	3-25-2014	Amend	5-1-2014	410-122-0186	7-11-2014	Amend	8-1-2014
410-050-0870(T)	3-25-2014	Repeal	5-1-2014	410-122-0186(T)	7-11-2014	Repeal	8-1-2014
410-120-0000	12-27-2013	Amend	2-1-2014	410-123-1060	1-1-2014	Amend(T)	2-1-2014
410-120-0000(T)	12-27-2013	Repeal	2-1-2014	410-123-1060	6-27-2014	Amend	8-1-2014
410-120-0003	1-1-2014	Adopt	2-1-2014	410-123-1060(T)	6-27-2014	Repeal	8-1-2014
410-120-0006	2-1-2014	Amend(T)	3-1-2014	410-123-1200	1-1-2014	Amend(T)	2-1-2014
410-120-0006	3-31-2014	Amend	5-1-2014	410-123-1200	4-1-2014	Amend(T)	5-1-2014
410-120-0006	7-1-2014	Amend	8-1-2014	410-123-1200	6-27-2014	Amend	8-1-2014
410-120-0006(T)	2-1-2014	Suspend	3-1-2014	410-123-1200(T)	4-1-2014	Suspend	5-1-2014
410-120-0006(T)	3-31-2014	Repeal	5-1-2014	410-123-1200(T)	6-27-2014	Repeal	8-1-2014
410-120-0030	12-3-2013	Amend	1-1-2014	410-123-1260	12-23-2013	Amend	1-1-2014
410-120-0030	1-1-2014	Amend(T)	2-1-2014	410-123-1260	1-1-2014	Amend(T)	2-1-2014
410-120-0030	4-4-2014	Amend	5-1-2014	410-123-1260	2-28-2014	Amend(T)	4-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
410-123-1260	4-1-2014	Amend(T)	5-1-2014	410-136-3240	1-1-2014	Amend(T)	2-1-2014
410-123-1260	6-27-2014	Amend	8-1-2014	410-136-3240	5-20-2014	Amend	7-1-2014
410-123-1260(T)	4-1-2014	Suspend	5-1-2014	410-136-3240(T)	5-20-2014	Repeal	7-1-2014
410-123-1260(T)	6-27-2014	Repeal	8-1-2014	410-136-3260	3-11-2014	Amend	4-1-2014
410-123-1540	1-1-2014	Amend(T)	2-1-2014	410-136-3260(T)	3-11-2014	Repeal	4-1-2014
410-123-1540	6-27-2014	Amend	8-1-2014	410-138-0000	1-1-2014	Amend(T)	2-1-2014
410-123-1540(T)	6-27-2014	Repeal	8-1-2014	410-138-0000	4-4-2014	Amend	5-1-2014
410-123-1670	1-1-2014	Suspend	2-1-2014	410-138-0007	1-1-2014	Amend(T)	2-1-2014
410-123-1670	4-4-2014	Repeal	5-1-2014	410-138-0007	4-4-2014	Amend	5-1-2014
410-125-0020	1-1-2014	Amend(T)	2-1-2014	410-138-0007(T)	4-4-2014	Repeal	5-1-2014
410-125-0020	4-4-2014	Amend	5-1-2014	410-138-0009	1-1-2014	Amend(T)	2-1-2014
410-125-0020(T)	4-4-2014	Repeal	5-1-2014	410-138-0009	4-4-2014	Amend	5-1-2014
410-125-0047	1-1-2014	Suspend	2-1-2014	410-138-0009(T)	4-4-2014	Repeal	5-1-2014
410-125-0047	4-4-2014	Repeal	5-1-2014	410-140-0020	5-8-2014	Amend	6-1-2014
410-125-0080	1-1-2014	Amend(T)	2-1-2014	410-140-0040	5-8-2014	Amend	6-1-2014
410-125-0080	4-4-2014	Amend	5-1-2014	410-140-0050	5-8-2014	Amend	6-1-2014
410-125-0080(T)	4-4-2014	Repeal	5-1-2014	410-140-0060	5-8-2014	Repeal	6-1-2014
410-125-0085	1-1-2014	Amend(T)	2-1-2014	410-140-0110	5-8-2014	Repeal	6-1-2014
410-125-0085	4-4-2014	Amend	5-1-2014	410-140-0120	5-8-2014	Amend	6-1-2014
410-125-0085(T)	4-4-2014	Repeal	5-1-2014	410-140-0140	5-8-2014	Amend	6-1-2014
410-127-0050	1-1-2014	Suspend	2-1-2014	410-140-0160	5-8-2014	Amend	6-1-2014
410-127-0055	4-4-2014	Repeal	5-1-2014	410-140-0180	5-8-2014	Repeal	6-1-2014
410-129-0020	4-2-2014	Amend	5-1-2014	410-140-0200	5-8-2014	Amend	6-1-2014
410-129-0065	4-2-2014	Amend	5-1-2014	410-140-0210	5-8-2014	Repeal	6-1-2014
410-129-0070	4-2-2014	Amend	5-1-2014	410-140-0220	5-8-2014	Repeal	6-1-2014
410-129-0195	1-1-2014	Suspend	2-1-2014	410-140-0240	5-8-2014	Repeal	6-1-2014
410-129-0195	4-4-2014	Repeal	5-1-2014	410-140-0260	5-8-2014	Amend	6-1-2014
410-130-0015	1-1-2014	Adopt	2-1-2014	410-140-0280	5-8-2014	Amend	6-1-2014
410-130-0163	1-1-2014	Suspend	2-1-2014	410-140-0300	5-8-2014	Amend	6-1-2014
410-130-0163	4-4-2014	Repeal	5-1-2014	410-140-0320	5-8-2014	Repeal	6-1-2014
410-130-0200	7-8-2014	Amend	8-1-2014	410-140-0380	5-8-2014	Repeal	6-1-2014
410-130-0240	1-1-2014	Amend(T)	2-1-2014	410-140-0400	5-8-2014	Amend	6-1-2014
410-130-0240	4-4-2014	Amend	5-1-2014	410-141-0000	8-1-2014	Amend	8-1-2014
410-130-0240(T)	4-4-2014	Repeal	5-1-2014	410-141-0050	8-1-2014	Amend	8-1-2014
410-130-0255	3-13-2014	Amend	4-1-2014	410-141-0065	1-31-2014	Adopt	3-1-2014
410-131-0120	1-1-2014	Amend(T)	2-1-2014	410-141-0080	2-1-2014	Amend(T)	3-1-2014
410-131-0120	4-4-2014	Amend	5-1-2014	410-141-0080	6-1-2014	Amend	7-1-2014
410-131-0120(T)	4-4-2014	Repeal	5-1-2014	410-141-0080(T)	6-1-2014	Repeal	7-1-2014
410-132-0055	1-1-2014	Suspend	2-1-2014	410-141-0120	8-1-2014	Amend	8-1-2014
410-132-0055	4-4-2014	Repeal	5-1-2014	410-141-0180	8-1-2014	Amend	8-1-2014
410-136-3000	1-1-2014	Amend(T)	2-1-2014	410-141-0263	7-1-2014	Amend	7-1-2014
410-136-3000	5-20-2014	Amend	7-1-2014	410-141-0270	8-1-2014	Amend	8-1-2014
410-136-3000(T)	5-20-2014	Repeal	7-1-2014	410-141-0410	8-1-2014	Amend	8-1-2014
410-136-3010	7-1-2014	Adopt	8-1-2014	410-141-0420	7-1-2014	Amend(T)	8-1-2014
410-136-3020	1-1-2014	Amend(T)	2-1-2014	410-141-0420	8-1-2014	Amend	8-1-2014
410-136-3020	5-20-2014	Amend	7-1-2014	410-141-0480	8-1-2014	Amend	8-1-2014
410-136-3020(T)	5-20-2014	Repeal	7-1-2014	410-141-0520	1-31-2014	Amend	3-1-2014
410-136-3060	1-1-2014	Amend(T)	2-1-2014	410-141-0520	4-1-2014	Amend(T)	5-1-2014
410-136-3060	5-20-2014	Amend	7-1-2014	410-141-0520	7-1-2014	Amend	7-1-2014
410-136-3060(T)	5-20-2014	Repeal	7-1-2014	410-141-0520(T)	7-1-2014	Repeal	7-1-2014
410-136-3140	1-1-2014	Amend(T)	2-1-2014	410-141-0740	8-1-2014	Amend	8-1-2014
410-136-3140	5-20-2014	Amend	7-1-2014	410-141-0860	1-1-2014	Amend(T)	2-1-2014
410-136-3140(T)	5-20-2014	Repeal	7-1-2014	410-141-0860	4-4-2014	Amend	5-1-2014
410-136-3220	1-1-2014	Amend(T)	2-1-2014	410-141-0860(T)	4-4-2014	Repeal	5-1-2014
410-136-3220	5-20-2014	Amend	7-1-2014	410-141-3010	8-1-2014	Amend	8-1-2014
410-136-3220(T)	5-20-2014	Repeal	7-1-2014	410-141-3015	8-1-2014	Amend	8-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
410-141-3050	8-1-2014	Amend	8-1-2014	410-180-0327	12-3-2013	Adopt	1-1-2014
410-141-3060	11-29-2013	Amend	1-1-2014	410-180-0327(T)	12-3-2013	Repeal	1-1-2014
410-141-3060	7-1-2014	Amend(T)	8-1-2014	410-180-0340	12-3-2013	Adopt	1-1-2014
410-141-3065	1-31-2014	Adopt	3-1-2014	410-180-0340(T)	12-3-2013	Repeal	1-1-2014
410-141-3070	4-1-2014	Amend(T)	5-1-2014	410-180-0345	12-3-2013	Adopt	1-1-2014
410-141-3070	7-1-2014	Amend	7-1-2014	410-180-0345(T)	12-3-2013	Repeal	1-1-2014
410-141-3070(T)	7-1-2014	Repeal	7-1-2014	410-180-0350	12-3-2013	Adopt	1-1-2014
410-141-3080	11-29-2013	Amend	1-1-2014	410-180-0350(T)	12-3-2013	Repeal	1-1-2014
410-141-3080	2-1-2014	Amend(T)	3-1-2014	410-180-0355	12-3-2013	Adopt	1-1-2014
410-141-3080	6-1-2014	Amend	7-1-2014	410-180-0355(T)	12-3-2013	Repeal	1-1-2014
410-141-3080(T)	6-1-2014	Repeal	7-1-2014	410-180-0360	12-3-2013	Adopt	1-1-2014
410-141-3120	8-1-2014	Amend	8-1-2014	410-180-0370	12-3-2013	Adopt	1-1-2014
410-141-3145	8-1-2014	Amend	8-1-2014	410-180-0370(T)	12-3-2013	Repeal	1-1-2014
410-141-3200	8-1-2014	Amend	8-1-2014	410-180-0375	12-3-2013	Adopt	1-1-2014
410-141-3220	11-29-2013	Amend	1-1-2014	410-180-0375(T)	12-3-2013	Repeal	1-1-2014
410-141-3260	7-1-2014	Amend	7-1-2014	410-180-0380	12-3-2013	Adopt	1-1-2014
410-141-3268	1-1-2014	Amend(T)	2-1-2014	410-180-0380(T)	12-3-2013	Repeal	1-1-2014
410-141-3270	8-1-2014	Amend	8-1-2014	410-200-0010	1-15-2014	Adopt(T)	2-1-2014
410-141-3420	11-29-2013	Amend	1-1-2014	410-200-0010	3-28-2014	Adopt	5-1-2014
410-141-3420	7-1-2014	Amend(T)	8-1-2014	410-200-0010(T)	1-15-2014	Suspend	2-1-2014
410-141-3435	7-1-2014	Adopt	8-1-2014	410-200-0010(T)	3-28-2014	Repeal	5-1-2014
410-141-3440	7-1-2014	Adopt	8-1-2014	410-200-0015	1-15-2014	Adopt(T)	2-1-2014
410-141-3445	7-1-2014	Adopt	8-1-2014	410-200-0015	3-28-2014	Adopt	5-1-2014
410-141-3450	7-1-2014	Adopt	8-1-2014	410-200-0015(T)	1-15-2014	Suspend	2-1-2014
410-141-3455	7-1-2014	Adopt	8-1-2014	410-200-0015(T)	3-28-2014	Repeal	5-1-2014
410-141-3460	7-1-2014	Adopt	8-1-2014	410-200-0100	1-15-2014	Adopt(T)	2-1-2014
410-141-3465	7-1-2014	Adopt	8-1-2014	410-200-0100	3-28-2014	Adopt	5-1-2014
410-141-3470	7-1-2014	Adopt	8-1-2014	410-200-0100(T)	1-15-2014	Suspend	2-1-2014
410-141-3475	7-1-2014	Adopt	8-1-2014	410-200-0100(T)	3-28-2014	Repeal	5-1-2014
410-141-3480	7-1-2014	Adopt	8-1-2014	410-200-0105	1-15-2014	Adopt(T)	2-1-2014
410-141-3485	7-1-2014	Adopt	8-1-2014	410-200-0105	3-28-2014	Adopt	5-1-2014
410-142-0040	1-1-2014	Amend(T)	2-1-2014	410-200-0105(T)	1-15-2014	Suspend	2-1-2014
410-142-0040	4-4-2014	Amend	5-1-2014	410-200-0105(T)	3-28-2014	Repeal	5-1-2014
410-142-0040(T)	4-4-2014	Repeal	5-1-2014	410-200-0110	1-15-2014	Adopt(T)	2-1-2014
410-146-0022	1-1-2014	Suspend	2-1-2014	410-200-0110	3-28-2014	Adopt	5-1-2014
410-146-0022	4-4-2014	Repeal	5-1-2014	410-200-0110(T)	1-15-2014	Suspend	2-1-2014
410-146-0380	1-1-2014	Suspend	2-1-2014	410-200-0110(T)	3-28-2014	Repeal	5-1-2014
410-146-0380	4-4-2014	Repeal	5-1-2014	410-200-0111	1-15-2014	Adopt(T)	2-1-2014
410-147-0125	1-1-2014	Suspend	2-1-2014	410-200-0111	3-28-2014	Adopt	5-1-2014
410-147-0125	4-4-2014	Repeal	5-1-2014	410-200-0111(T)	1-15-2014	Suspend	2-1-2014
410-148-0090	1-1-2014	Suspend	2-1-2014	410-200-0111(T)	3-28-2014	Repeal	5-1-2014
410-148-0090	4-4-2014	Repeal	5-1-2014	410-200-0115	1-15-2014	Adopt(T)	2-1-2014
410-180-0300	12-3-2013	Adopt	1-1-2014	410-200-0115	3-28-2014	Adopt	5-1-2014
410-180-0300(T)	12-3-2013	Repeal	1-1-2014	410-200-0115(T)	1-15-2014	Suspend	2-1-2014
410-180-0305	12-3-2013	Adopt	1-1-2014	410-200-0115(T)	3-28-2014	Repeal	5-1-2014
410-180-0305(T)	12-3-2013	Repeal	1-1-2014	410-200-0120	1-15-2014	Adopt(T)	2-1-2014
410-180-0310	12-3-2013	Adopt	1-1-2014	410-200-0120	3-28-2014	Adopt	5-1-2014
410-180-0310(T)	12-3-2013	Repeal	1-1-2014	410-200-0120(T)	1-15-2014	Suspend	2-1-2014
410-180-0312	12-3-2013	Adopt	1-1-2014	410-200-0120(T)	3-28-2014	Repeal	5-1-2014
410-180-0315	12-3-2013	Adopt	1-1-2014	410-200-0125	1-15-2014	Adopt(T)	2-1-2014
410-180-0315(T)	12-3-2013	Repeal	1-1-2014	410-200-0125	3-28-2014	Adopt	5-1-2014
410-180-0320	12-3-2013	Adopt	1-1-2014	410-200-0125(T)	1-15-2014	Suspend	2-1-2014
410-180-0320(T)	12-3-2013	Repeal	1-1-2014	410-200-0125(T)	3-28-2014	Repeal	5-1-2014
410-180-0325	1-15-2014	Adopt	2-1-2014	410-200-0130	1-15-2014	Adopt(T)	2-1-2014
410-180-0325(T)	1-15-2014	Repeal	2-1-2014	410-200-0130	3-28-2014	Adopt	5-1-2014
410-180-0326	1-15-2014	Adopt	2-1-2014	410-200-0130(T)	1-15-2014	Suspend	2-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
410-200-0130(T)	3-28-2014	Repeal	5-1-2014	410-200-0305	3-28-2014	Adopt	5-1-2014
410-200-0135	1-15-2014	Adopt(T)	2-1-2014	410-200-0305(T)	1-15-2014	Suspend	2-1-2014
410-200-0135	3-28-2014	Adopt	5-1-2014	410-200-0305(T)	3-28-2014	Repeal	5-1-2014
410-200-0135(T)	1-15-2014	Suspend	2-1-2014	410-200-0310	1-15-2014	Adopt(T)	2-1-2014
410-200-0135(T)	3-28-2014	Repeal	5-1-2014	410-200-0310	3-28-2014	Adopt	5-1-2014
410-200-0140	1-15-2014	Adopt(T)	2-1-2014	410-200-0310(T)	1-15-2014	Suspend	2-1-2014
410-200-0140	3-28-2014	Adopt	5-1-2014	410-200-0310(T)	3-28-2014	Repeal	5-1-2014
410-200-0140(T)	1-15-2014	Suspend	2-1-2014	410-200-0315	1-15-2014	Adopt(T)	2-1-2014
410-200-0140(T)	3-28-2014	Repeal	5-1-2014	410-200-0315	3-28-2014	Adopt	5-1-2014
410-200-0145	1-15-2014	Adopt(T)	2-1-2014	410-200-0315	4-14-2014	Amend(T)	5-1-2014
410-200-0145	3-28-2014	Adopt	5-1-2014	410-200-0315(T)	1-15-2014	Suspend	2-1-2014
410-200-0145	8-15-2014	Amend(T)	9-1-2014	410-200-0315(T)	3-28-2014	Repeal	5-1-2014
410-200-0145(T)	1-15-2014	Suspend	2-1-2014	410-200-0400	1-15-2014	Adopt(T)	2-1-2014
410-200-0145(T)	3-28-2014	Repeal	5-1-2014	410-200-0400	3-28-2014	Adopt	5-1-2014
410-200-0146	1-15-2014	Adopt(T)	2-1-2014	410-200-0400(T)	1-15-2014	Suspend	2-1-2014
410-200-0146	3-28-2014	Adopt	5-1-2014	410-200-0400(T)	3-28-2014	Repeal	5-1-2014
410-200-0146	8-15-2014	Amend(T)	9-1-2014	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
410-200-0225(T)	1-15-2014	Suspend	2-1-2014	410-200-0435(T)	3-28-2014	Repeal	5-1-2014
410-200-0225(T)	3-28-2014	Repeal	5-1-2014	410-200-0440	1-15-2014	Adopt(T)	2-1-2014
410-200-0230	1-15-2014	Adopt(T)	2-1-2014	410-200-0440	3-28-2014	Adopt	5-1-2014
410-200-0230	3-28-2014	Adopt	5-1-2014	410-200-0440(T)	1-15-2014	Suspend	2-1-2014
410-200-0230(T)	1-15-2014	Suspend	2-1-2014	410-200-0440(T)	3-28-2014	Repeal	5-1-2014
410-200-0230(T)	3-28-2014	Repeal	5-1-2014	410-200-0500	1-15-2014	Adopt(T)	2-1-2014
410-200-0235	1-15-2014	Adopt(T)	2-1-2014	410-200-0500	3-28-2014	Adopt	5-1-2014
410-200-0235	3-28-2014	Adopt	5-1-2014	410-200-0500(T)	1-15-2014	Suspend	2-1-2014
410-200-0235(T)	1-15-2014	Suspend	2-1-2014	410-200-0500(T)	3-28-2014	Repeal	5-1-2014
410-200-0235(T)	3-28-2014	Repeal	5-1-2014	410-200-0505	1-15-2014	Adopt(T)	2-1-2014
410-200-0240	1-15-2014	Adopt(T)	2-1-2014	410-200-0505	3-28-2014	Adopt	5-1-2014
410-200-0240	3-28-2014	Adopt	5-1-2014	410-200-0505(T)	1-15-2014	Suspend	2-1-2014
410-200-0240(T)	1-15-2014	Suspend	2-1-2014	410-200-0505(T)	3-28-2014	Repeal	5-1-2014
410-200-0240(T)	3-28-2014	Repeal	5-1-2014	410-200-0510	1-15-2014	Adopt(T)	2-1-2014
410-200-0305	1-15-2014	Adopt(T)	2-1-2014	410-200-0510	3-28-2014	Adopt	5-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
410-200-0510(T)	1-15-2014	Suspend	2-1-2014	411-034-0000(T)	12-15-2013	Repeal	1-1-2014
410-200-0510(T)	3-28-2014	Repeal	5-1-2014	411-034-0010	12-15-2013	Amend	1-1-2014
410-200-0515(T)	1-15-2014	Suspend	2-1-2014	411-034-0010	4-21-2014	Amend(T)	6-1-2014
410-200-0515(T)	3-28-2014	Repeal	5-1-2014	411-034-0010	5-1-2014	Amend(T)	6-1-2014
411-001-0100	1-1-2014	Amend	2-1-2014	411-034-0010(T)	12-15-2013	Repeal	1-1-2014
411-001-0110	1-1-2014	Amend	2-1-2014	411-034-0010(T)	5-1-2014	Suspend	6-1-2014
411-001-0118	1-1-2014	Amend	2-1-2014	411-034-0020	12-15-2013	Amend	1-1-2014
411-001-0120	1-1-2014	Amend	2-1-2014	411-034-0020(T)	12-15-2013	Repeal	1-1-2014
411-001-0120	5-9-2014	Amend(T)	6-1-2014	411-034-0030	12-15-2013	Amend	1-1-2014
411-001-0510	12-15-2013	Amend	1-1-2014	411-034-0030	4-21-2014	Amend(T)	6-1-2014
411-001-0510	6-4-2014	Amend	7-1-2014	411-034-0030(T)	12-15-2013	Repeal	1-1-2014
411-001-0510(T)	12-15-2013	Repeal	1-1-2014	411-034-0035	12-15-2013	Amend	1-1-2014
411-015-0005	12-15-2013	Amend	1-1-2014	411-034-0035(T)	12-15-2013	Repeal	1-1-2014
411-015-0005	4-21-2014	Amend(T)	6-1-2014	411-034-0040	12-15-2013	Amend	1-1-2014
411-015-0005(T)	12-15-2013	Repeal	1-1-2014	411-034-0040(T)	12-15-2013	Repeal	1-1-2014
411-015-0006	4-21-2014	Amend(T)	6-1-2014	411-034-0050	12-15-2013	Amend	1-1-2014
411-015-0008	12-15-2013	Amend	1-1-2014	411-034-0050(T)	12-15-2013	Repeal	1-1-2014
411-015-0008(T)	12-15-2013	Repeal	1-1-2014	411-034-0055	12-15-2013	Amend	1-1-2014
411-015-0015	12-15-2013	Amend	1-1-2014	411-034-0055(T)	12-15-2013	Repeal	1-1-2014
411-015-0015	4-21-2014	Amend(T)	6-1-2014	411-034-0070	12-15-2013	Amend	1-1-2014
411-015-0015(T)	12-15-2013	Repeal	1-1-2014	411-034-0070(T)	12-15-2013	Repeal	1-1-2014
411-015-0100	12-15-2013	Amend	1-1-2014	411-034-0090	12-15-2013	Amend	1-1-2014
411-015-0100	4-21-2014	Amend(T)	6-1-2014	411-034-0090(T)	12-15-2013	Repeal	1-1-2014
411-015-0100(T)	12-15-2013	Repeal	1-1-2014	411-035-0000	6-4-2014	Adopt	7-1-2014
411-027-0005	3-20-2014	Amend(T)	5-1-2014	411-035-0010	6-4-2014	Adopt	7-1-2014
411-027-0020	3-20-2014	Amend(T)	5-1-2014	411-035-0015	6-4-2014	Adopt	7-1-2014
411-027-0025	3-20-2014	Amend(T)	5-1-2014	411-035-0020	6-4-2014	Adopt	7-1-2014
411-028-0000	12-15-2013	Adopt	1-1-2014	411-035-0025	6-4-2014	Adopt	7-1-2014
411-028-0000(T)	12-15-2013	Repeal	1-1-2014	411-035-0030	6-4-2014	Adopt	7-1-2014
411-028-0010	12-15-2013	Adopt	1-1-2014	411-035-0035	6-4-2014	Adopt	7-1-2014
411-028-0010	4-21-2014	Amend(T)	6-1-2014	411-035-0040	6-4-2014	Adopt	7-1-2014
411-028-0010(T)	12-15-2013	Repeal	1-1-2014	411-035-0045	6-4-2014	Adopt	7-1-2014
411-028-0020	12-15-2013	Adopt	1-1-2014	411-035-0050	6-4-2014	Adopt	7-1-2014
411-028-0020	4-21-2014	Amend(T)	6-1-2014	411-035-0055	6-4-2014	Adopt	7-1-2014
411-028-0020(T)	12-15-2013	Repeal	1-1-2014	411-035-0060	6-4-2014	Adopt	7-1-2014
411-028-0030	12-15-2013	Adopt	1-1-2014	411-035-0065	6-4-2014	Adopt	7-1-2014
411-028-0030	4-21-2014	Amend(T)	6-1-2014	411-035-0070	6-4-2014	Adopt	7-1-2014
411-028-0030(T)	12-15-2013	Repeal	1-1-2014	411-035-0075	6-4-2014	Adopt	7-1-2014
411-028-0040	12-15-2013	Adopt	1-1-2014	411-035-0080	6-4-2014	Adopt	7-1-2014
411-028-0040(T)	12-15-2013	Repeal	1-1-2014	411-035-0085	6-4-2014	Adopt	7-1-2014
411-028-0050	12-15-2013	Adopt	1-1-2014	411-035-0090	6-4-2014	Adopt	7-1-2014
411-028-0050(T)	12-15-2013	Repeal	1-1-2014	411-035-0095	6-4-2014	Adopt	7-1-2014
411-030-0020	4-21-2014	Amend(T)	6-1-2014	411-040-0000	12-15-2013	Amend	1-1-2014
411-030-0040	4-21-2014	Amend(T)	6-1-2014	411-040-0000	6-4-2014	Amend	7-1-2014
411-030-0070	12-15-2013	Amend	1-1-2014	411-040-0000(T)	12-15-2013	Repeal	1-1-2014
411-030-0070	5-1-2014	Amend	6-1-2014	411-040-0010	6-4-2014	Adopt	7-1-2014
411-030-0070(T)	12-15-2013	Repeal	1-1-2014	411-040-0020	6-4-2014	Adopt	7-1-2014
411-030-0100	12-15-2013	Amend	1-1-2014	411-040-0030	6-4-2014	Adopt	7-1-2014
411-030-0100(T)	12-15-2013	Repeal	1-1-2014	411-040-0035	6-4-2014	Adopt	7-1-2014
411-031-0020	12-15-2013	Amend	1-1-2014	411-040-0036	6-4-2014	Adopt	7-1-2014
411-031-0020(T)	12-15-2013	Repeal	1-1-2014	411-040-0037	6-4-2014	Adopt	7-1-2014
411-031-0040	12-15-2013	Amend	1-1-2014	411-040-0040	6-4-2014	Adopt	7-1-2014
411-031-0040(T)	12-15-2013	Repeal	1-1-2014	411-040-0050	6-4-2014	Adopt	7-1-2014
411-031-0050	12-15-2013	Amend	1-1-2014	411-040-0060	6-4-2014	Adopt	7-1-2014
411-032-0050	7-1-2014	Adopt(T)	8-1-2014	411-045-0010	12-15-2013	Amend	1-1-2014
411-034-0000	12-15-2013	Amend	1-1-2014	411-045-0010(T)	12-15-2013	Repeal	1-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
411-045-0050	12-15-2013	Amend	1-1-2014	411-069-0100	4-1-2014	Amend	5-1-2014
411-045-0050(T)	12-15-2013	Repeal	1-1-2014	411-069-0100(T)	4-1-2014	Repeal	5-1-2014
411-046-0100	6-23-2014	Adopt	8-1-2014	411-069-0110	4-1-2014	Amend	5-1-2014
411-046-0110	6-23-2014	Adopt	8-1-2014	411-069-0110(T)	4-1-2014	Repeal	5-1-2014
411-046-0120	6-23-2014	Adopt	8-1-2014	411-069-0120	4-1-2014	Amend	5-1-2014
411-046-0130	6-23-2014	Adopt	8-1-2014	411-069-0120(T)	4-1-2014	Repeal	5-1-2014
411-046-0140	6-23-2014	Adopt	8-1-2014	411-069-0130	4-1-2014	Amend	5-1-2014
411-046-0150	6-23-2014	Adopt	8-1-2014	411-069-0130(T)	4-1-2014	Repeal	5-1-2014
411-046-0160	6-23-2014	Adopt	8-1-2014	411-069-0140	4-1-2014	Amend	5-1-2014
411-046-0170	6-23-2014	Adopt	8-1-2014	411-069-0140(T)	4-1-2014	Repeal	5-1-2014
411-046-0180	6-23-2014	Adopt	8-1-2014	411-069-0150	4-1-2014	Amend	5-1-2014
411-046-0190	6-23-2014	Adopt	8-1-2014	411-069-0150(T)	4-1-2014	Repeal	5-1-2014
411-046-0200	6-23-2014	Adopt	8-1-2014	411-069-0160	4-1-2014	Amend	5-1-2014
411-046-0210	6-23-2014	Adopt	8-1-2014	411-069-0160(T)	4-1-2014	Repeal	5-1-2014
411-046-0220	6-23-2014	Adopt	8-1-2014	411-069-0170	4-1-2014	Amend	5-1-2014
411-048-0150	12-15-2013	Amend	1-1-2014	411-069-0170(T)	4-1-2014	Repeal	5-1-2014
411-048-0150(T)	12-15-2013	Repeal	1-1-2014	411-070-0005	4-1-2014	Amend	4-1-2014
411-048-0160	12-15-2013	Amend	1-1-2014	411-070-0005(T)	4-1-2014	Repeal	4-1-2014
411-048-0160	5-1-2014	Amend(T)	6-1-2014	411-070-0033	12-15-2013	Amend	1-1-2014
411-048-0160(T)	12-15-2013	Repeal	1-1-2014	411-070-0033(T)	12-15-2013	Repeal	1-1-2014
411-048-0170	12-15-2013	Amend	1-1-2014	411-070-0300	4-1-2014	Amend	4-1-2014
411-048-0170	5-1-2014	Amend(T)	6-1-2014	411-070-0300(T)	4-1-2014	Repeal	4-1-2014
411-048-0170(T)	12-15-2013	Repeal	1-1-2014	411-070-0437	4-1-2014	Adopt	4-1-2014
411-050-0602	4-1-2014	Amend	5-1-2014	411-070-0437(T)	4-1-2014	Repeal	4-1-2014
411-050-0610	4-1-2014	Amend	5-1-2014	411-070-0442	4-1-2014	Amend	4-1-2014
411-050-0625	4-1-2014	Amend	5-1-2014	411-070-0442	7-1-2014	Amend	8-1-2014
411-050-0630	4-1-2014	Amend	5-1-2014	411-070-0442(T)	4-1-2014	Repeal	4-1-2014
411-050-0640	4-1-2014	Amend	5-1-2014	411-070-0452	12-28-2013	Amend	2-1-2014
411-050-0640(T)	4-1-2014	Repeal	5-1-2014	411-070-0452	7-1-2014	Amend	8-1-2014
411-050-0642	4-1-2014	Amend	5-1-2014	411-070-0452(T)	12-28-2013	Repeal	2-1-2014
411-050-0645	4-1-2014	Amend	5-1-2014	411-085-0005	4-1-2014	Amend	5-1-2014
411-050-0650	4-1-2014	Amend	5-1-2014	411-085-0025	4-1-2014	Amend	5-1-2014
411-050-0660	4-1-2014	Amend	5-1-2014	411-085-0025(T)	4-1-2014	Repeal	5-1-2014
411-050-0685	4-1-2014	Amend	5-1-2014	411-085-0210	4-1-2014	Amend	5-1-2014
411-065-0000	12-15-2013	Amend	1-1-2014	411-085-0210(T)	4-1-2014	Repeal	5-1-2014
411-065-0000(T)	12-15-2013	Repeal	1-1-2014	411-086-0100	3-31-2014	Amend	5-1-2014
411-069-0000	4-1-2014	Amend	5-1-2014	411-086-0100(T)	3-31-2014	Repeal	5-1-2014
411-069-0000(T)	4-1-2014	Repeal	5-1-2014	411-088-0020	4-1-2014	Amend	5-1-2014
411-069-0010	4-1-2014	Amend	5-1-2014	411-088-0070	4-1-2014	Amend	5-1-2014
411-069-0010(T)	4-1-2014	Repeal	5-1-2014	411-088-0070(T)	4-1-2014	Repeal	5-1-2014
411-069-0020	4-1-2014	Amend	5-1-2014	411-088-0080	4-1-2014	Amend	5-1-2014
411-069-0020(T)	4-1-2014	Repeal	5-1-2014	411-089-0030	4-1-2014	Amend	5-1-2014
411-069-0030	4-1-2014	Amend	5-1-2014	411-200-0010	2-1-2014	Amend	3-1-2014
411-069-0030(T)	4-1-2014	Repeal	5-1-2014	411-200-0020	2-1-2014	Amend	3-1-2014
411-069-0040	4-1-2014	Amend	5-1-2014	411-200-0030	2-1-2014	Amend	3-1-2014
411-069-0040(T)	4-1-2014	Repeal	5-1-2014	411-200-0035	2-1-2014	Amend	3-1-2014
411-069-0050	4-1-2014	Amend	5-1-2014	411-200-0040	2-1-2014	Amend	3-1-2014
411-069-0050(T)	4-1-2014	Repeal	5-1-2014	411-300-0100	12-28-2013	Amend	2-1-2014
411-069-0060	4-1-2014	Amend	5-1-2014	411-300-0110	12-28-2013	Amend	2-1-2014
411-069-0060(T)	4-1-2014	Repeal	5-1-2014	411-300-0110(T)	12-28-2013	Repeal	2-1-2014
411-069-0070	4-1-2014	Amend	5-1-2014	411-300-0120	12-28-2013	Amend	2-1-2014
411-069-0070(T)	4-1-2014	Repeal	5-1-2014	411-300-0120(T)	12-28-2013	Repeal	2-1-2014
411-069-0080	4-1-2014	Amend	5-1-2014	411-300-0130	12-28-2013	Amend	2-1-2014
411-069-0080(T)	4-1-2014	Repeal	5-1-2014	411-300-0130(T)	12-28-2013	Repeal	2-1-2014
411-069-0090	4-1-2014	Amend	5-1-2014	411-300-0140	12-28-2013	Amend	2-1-2014
411-069-0090(T)	4-1-2014	Repeal	5-1-2014	411-300-0140(T)	12-28-2013	Repeal	2-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
411-300-0150	12-28-2013	Amend	2-1-2014	411-320-0030(T)	12-28-2013	Repeal	2-1-2014
411-300-0150(T)	12-28-2013	Repeal	2-1-2014	411-320-0040	12-28-2013	Amend	2-1-2014
411-300-0155	12-28-2013	Amend	2-1-2014	411-320-0040	7-1-2014	Amend(T)	8-1-2014
411-300-0170	12-28-2013	Amend	2-1-2014	411-320-0040(T)	12-28-2013	Repeal	2-1-2014
411-300-0190	12-28-2013	Amend	2-1-2014	411-320-0045	12-28-2013	Amend	2-1-2014
411-300-0200	12-28-2013	Amend	2-1-2014	411-320-0050	12-28-2013	Amend	2-1-2014
411-300-0205	12-28-2013	Amend	2-1-2014	411-320-0060	12-28-2013	Amend	2-1-2014
411-300-0210	12-28-2013	Amend	2-1-2014	411-320-0060	7-1-2014	Amend(T)	8-1-2014
411-300-0220	12-28-2013	Amend	2-1-2014	411-320-0060(T)	12-28-2013	Repeal	2-1-2014
411-308-0010	12-28-2013	Amend	2-1-2014	411-320-0070	12-28-2013	Amend	2-1-2014
411-308-0010(T)	12-28-2013	Repeal	2-1-2014	411-320-0070(T)	12-28-2013	Repeal	2-1-2014
411-308-0020	12-28-2013	Amend	2-1-2014	411-320-0080	12-28-2013	Amend	2-1-2014
411-308-0020	7-1-2014	Amend(T)	8-1-2014	411-320-0080	7-1-2014	Amend(T)	8-1-2014
411-308-0020(T)	12-28-2013	Repeal	2-1-2014	411-320-0090	12-28-2013	Amend	2-1-2014
411-308-0030	12-28-2013	Amend	2-1-2014	411-320-0090	7-1-2014	Amend(T)	8-1-2014
411-308-0030	7-1-2014	Amend(T)	8-1-2014	411-320-0090(T)	12-28-2013	Repeal	2-1-2014
411-308-0030(T)	12-28-2013	Repeal	2-1-2014	411-320-0100	12-28-2013	Amend	2-1-2014
411-308-0040	12-28-2013	Amend	2-1-2014	411-320-0100	7-1-2014	Amend(T)	8-1-2014
411-308-0050	12-28-2013	Amend	2-1-2014	411-320-0100(T)	12-28-2013	Repeal	2-1-2014
411-308-0050	7-1-2014	Amend(T)	8-1-2014	411-320-0110	12-28-2013	Amend	2-1-2014
411-308-0050(T)	12-28-2013	Repeal	2-1-2014	411-320-0110	7-1-2014	Amend(T)	8-1-2014
411-308-0060	12-28-2013	Amend	2-1-2014	411-320-0110(T)	12-28-2013	Repeal	2-1-2014
411-308-0060	7-1-2014	Amend(T)	8-1-2014	411-320-0120	12-28-2013	Amend	2-1-2014
411-308-0060(T)	12-28-2013	Repeal	2-1-2014	411-320-0120	7-1-2014	Amend(T)	8-1-2014
411-308-0070	12-28-2013	Amend	2-1-2014	411-320-0120(T)	12-28-2013	Repeal	2-1-2014
411-308-0070	7-1-2014	Amend(T)	8-1-2014	411-320-0130	12-28-2013	Amend	2-1-2014
411-308-0070(T)	12-28-2013	Repeal	2-1-2014	411-320-0130	7-1-2014	Amend(T)	8-1-2014
411-308-0080	12-28-2013	Amend	2-1-2014	411-320-0130(T)	12-28-2013	Repeal	2-1-2014
411-308-0080	7-1-2014	Amend(T)	8-1-2014	411-320-0140	12-28-2013	Amend	2-1-2014
411-308-0080(T)	12-28-2013	Repeal	2-1-2014	411-320-0150	12-28-2013	Amend	2-1-2014
411-308-0090	12-28-2013	Amend	2-1-2014	411-320-0160	12-28-2013	Amend	2-1-2014
411-308-0100	12-28-2013	Amend	2-1-2014	411-320-0170	12-28-2013	Amend	2-1-2014
411-308-0100	7-1-2014	Amend(T)	8-1-2014	411-320-0170	7-1-2014	Amend(T)	8-1-2014
411-308-0100(T)	12-28-2013	Repeal	2-1-2014	411-320-0175	12-28-2013	Amend	2-1-2014
411-308-0110	12-28-2013	Amend	2-1-2014	411-320-0175	7-1-2014	Amend(T)	8-1-2014
411-308-0120	12-28-2013	Amend	2-1-2014	411-320-0180	12-28-2013	Amend	2-1-2014
411-308-0120	7-1-2014	Amend(T)	8-1-2014	411-320-0190	12-28-2013	Amend	2-1-2014
411-308-0120(T)	12-28-2013	Repeal	2-1-2014	411-320-0200	12-28-2013	Amend	2-1-2014
411-308-0130	12-28-2013	Amend	2-1-2014	411-323-0010	7-1-2014	Amend(T)	8-1-2014
411-308-0130	7-1-2014	Amend(T)	8-1-2014	411-323-0020	7-1-2014	Amend(T)	8-1-2014
411-308-0135	7-1-2014	Adopt(T)	8-1-2014	411-323-0030	7-1-2014	Amend(T)	8-1-2014
411-308-0140	12-28-2013	Amend	2-1-2014	411-323-0035	7-1-2014	Amend(T)	8-1-2014
411-308-0150	12-28-2013	Amend	2-1-2014	411-323-0050	7-1-2014	Amend(T)	8-1-2014
411-317-0000	7-1-2014	Adopt(T)	8-1-2014	411-323-0060	7-1-2014	Amend(T)	8-1-2014
411-318-0000	7-1-2014	Adopt(T)	8-1-2014	411-323-0070	7-1-2014	Amend(T)	8-1-2014
411-318-0005	7-1-2014	Adopt(T)	8-1-2014	411-325-0010	12-28-2013	Amend	2-1-2014
411-318-0010	7-1-2014	Adopt(T)	8-1-2014	411-325-0020	12-28-2013	Amend	2-1-2014
411-318-0015	7-1-2014	Adopt(T)	8-1-2014	411-325-0020	7-1-2014	Amend(T)	8-1-2014
411-318-0020	7-1-2014	Adopt(T)	8-1-2014	411-325-0020(T)	12-28-2013	Repeal	2-1-2014
411-318-0025	7-1-2014	Adopt(T)	8-1-2014	411-325-0030	12-28-2013	Amend	2-1-2014
411-318-0030	7-1-2014	Adopt(T)	8-1-2014	411-325-0040	12-28-2013	Amend	2-1-2014
411-320-0010	12-28-2013	Amend	2-1-2014	411-325-0050	12-28-2013	Amend	2-1-2014
411-320-0020	12-28-2013	Amend	2-1-2014	411-325-0060	12-28-2013	Amend	2-1-2014
411-320-0020	7-1-2014	Amend(T)	8-1-2014	411-325-0060	7-1-2014	Amend(T)	8-1-2014
411-320-0020(T)	12-28-2013	Repeal	2-1-2014	411-325-0070	12-28-2013	Amend	2-1-2014
411-320-0030	12-28-2013	Amend	2-1-2014	411-325-0090	12-28-2013	Amend	2-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
411-325-0110	12-28-2013	Amend	2-1-2014	411-328-0660	12-28-2013	Amend	2-1-2014
411-325-0110	7-1-2014	Amend(T)	8-1-2014	411-328-0680	12-28-2013	Amend	2-1-2014
411-325-0120	12-28-2013	Amend	2-1-2014	411-328-0690	12-28-2013	Amend	2-1-2014
411-325-0120	7-1-2014	Amend(T)	8-1-2014	411-328-0700	12-28-2013	Amend	2-1-2014
411-325-0130	12-28-2013	Amend	2-1-2014	411-328-0700	7-1-2014	Amend(T)	8-1-2014
411-325-0140	12-28-2013	Amend	2-1-2014	411-328-0710	12-28-2013	Amend	2-1-2014
411-325-0150	12-28-2013	Amend	2-1-2014	411-328-0715	12-28-2013	Amend	2-1-2014
411-325-0170	12-28-2013	Amend	2-1-2014	411-328-0720	12-28-2013	Amend	2-1-2014
411-325-0180	12-28-2013	Amend	2-1-2014	411-328-0720	7-1-2014	Amend(T)	8-1-2014
411-325-0185	12-28-2013	Amend	2-1-2014	411-328-0740	12-28-2013	Amend	2-1-2014
411-325-0190	12-28-2013	Amend	2-1-2014	411-328-0740	7-1-2014	Suspend	8-1-2014
411-325-0200	12-28-2013	Amend	2-1-2014	411-328-0750	12-28-2013	Amend	2-1-2014
411-325-0220	12-28-2013	Amend	2-1-2014	411-328-0750	7-1-2014	Amend(T)	8-1-2014
411-325-0230	12-28-2013	Amend	2-1-2014	411-328-0760	12-28-2013	Amend	2-1-2014
411-325-0240	12-28-2013	Amend	2-1-2014	411-328-0760	7-1-2014	Amend(T)	8-1-2014
411-325-0250	12-28-2013	Amend	2-1-2014	411-328-0770	12-28-2013	Amend	2-1-2014
411-325-0260	12-28-2013	Amend	2-1-2014	411-328-0770	7-1-2014	Amend(T)	8-1-2014
411-325-0270	12-28-2013	Amend	2-1-2014	411-328-0780	12-28-2013	Amend	2-1-2014
411-325-0280	12-28-2013	Amend	2-1-2014	411-328-0790	12-28-2013	Amend	2-1-2014
411-325-0290	12-28-2013	Amend	2-1-2014	411-328-0790	7-1-2014	Amend(T)	8-1-2014
411-325-0300	12-28-2013	Amend	2-1-2014	411-328-0790(T)	12-28-2013	Repeal	2-1-2014
411-325-0300	7-1-2014	Amend(T)	8-1-2014	411-328-0800	12-28-2013	Amend	2-1-2014
411-325-0320	12-28-2013	Amend	2-1-2014	411-328-0800	7-1-2014	Suspend	8-1-2014
411-325-0320	7-1-2014	Suspend	8-1-2014	411-328-0800(T)	12-28-2013	Repeal	2-1-2014
411-325-0330	12-28-2013	Amend	2-1-2014	411-330-0010	12-28-2013	Amend	2-1-2014
411-325-0330	7-1-2014	Suspend	8-1-2014	411-330-0020	12-28-2013	Amend	2-1-2014
411-325-0340	12-28-2013	Amend	2-1-2014	411-330-0020	7-1-2014	Amend(T)	8-1-2014
411-325-0350	12-28-2013	Amend	2-1-2014	411-330-0020(T)	12-28-2013	Repeal	2-1-2014
411-325-0360	12-28-2013	Amend	2-1-2014	411-330-0030	12-28-2013	Amend	2-1-2014
411-325-0370	12-28-2013	Amend	2-1-2014	411-330-0030	7-1-2014	Amend(T)	8-1-2014
411-325-0380	12-28-2013	Amend	2-1-2014	411-330-0030(T)	12-28-2013	Repeal	2-1-2014
411-325-0390	12-28-2013	Amend	2-1-2014	411-330-0040	12-28-2013	Amend	2-1-2014
411-325-0390	7-1-2014	Amend(T)	8-1-2014	411-330-0040	7-1-2014	Amend(T)	8-1-2014
411-325-0390(T)	12-28-2013	Repeal	2-1-2014	411-330-0040(T)	12-28-2013	Repeal	2-1-2014
411-325-0400	12-28-2013	Amend	2-1-2014	411-330-0050	12-28-2013	Amend	2-1-2014
411-325-0400	7-1-2014	Suspend	8-1-2014	411-330-0050	7-1-2014	Amend(T)	8-1-2014
411-325-0400(T)	12-28-2013	Repeal	2-1-2014	411-330-0050(T)	12-28-2013	Repeal	2-1-2014
411-325-0410	12-28-2013	Amend	2-1-2014	411-330-0060	12-28-2013	Amend	2-1-2014
411-325-0420	12-28-2013	Amend	2-1-2014	411-330-0060	7-1-2014	Amend(T)	8-1-2014
411-325-0430	12-28-2013	Amend	2-1-2014	411-330-0060(T)	12-28-2013	Repeal	2-1-2014
411-325-0430	7-1-2014	Amend(T)	8-1-2014	411-330-0065	12-28-2013	Amend	2-1-2014
411-325-0440	12-28-2013	Amend	2-1-2014	411-330-0070	12-28-2013	Amend	2-1-2014
411-325-0440(T)	12-28-2013	Repeal	2-1-2014	411-330-0070	7-1-2014	Amend(T)	8-1-2014
411-325-0460	12-28-2013	Amend	2-1-2014	411-330-0070(T)	12-28-2013	Repeal	2-1-2014
411-325-0460	7-1-2014	Amend(T)	8-1-2014	411-330-0080	12-28-2013	Amend	2-1-2014
411-325-0470	12-28-2013	Amend	2-1-2014	411-330-0080	7-1-2014	Amend(T)	8-1-2014
411-325-0480	12-28-2013	Amend	2-1-2014	411-330-0080(T)	12-28-2013	Repeal	2-1-2014
411-328-0550	12-28-2013	Amend	2-1-2014	411-330-0090	12-28-2013	Amend	2-1-2014
411-328-0560	12-28-2013	Amend	2-1-2014	411-330-0090	7-1-2014	Amend(T)	8-1-2014
411-328-0560	7-1-2014	Amend(T)	8-1-2014	411-330-0090(T)	12-28-2013	Repeal	2-1-2014
411-328-0560(T)	12-28-2013	Repeal	2-1-2014	411-330-0100	12-28-2013	Amend	2-1-2014
411-328-0570	12-28-2013	Amend	2-1-2014	411-330-0100	7-1-2014	Amend(T)	8-1-2014
411-328-0620	12-28-2013	Amend	2-1-2014	411-330-0110	12-28-2013	Amend	2-1-2014
411-328-0630	12-28-2013	Amend	2-1-2014	411-330-0110	7-1-2014	Amend(T)	8-1-2014
411-328-0640	12-28-2013	Amend	2-1-2014	411-330-0110(T)	12-28-2013	Repeal	2-1-2014
411-328-0650	12-28-2013	Amend	2-1-2014	411-330-0120	12-28-2013	Amend	2-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
411-330-0130	12-28-2013	Amend	2-1-2014	411-335-0340	1-1-2014	Suspend	2-1-2014
411-330-0130	7-1-2014	Amend(T)	8-1-2014	411-335-0340	4-1-2014	Repeal	5-1-2014
411-330-0140	12-28-2013	Amend	2-1-2014	411-335-0350	1-1-2014	Suspend	2-1-2014
411-330-0150	12-28-2013	Amend	2-1-2014	411-335-0350	4-1-2014	Repeal	5-1-2014
411-330-0160	12-28-2013	Amend	2-1-2014	411-335-0360	1-1-2014	Suspend	2-1-2014
411-330-0170	12-28-2013	Amend	2-1-2014	411-335-0360	4-1-2014	Repeal	5-1-2014
411-335-0010	1-1-2014	Suspend	2-1-2014	411-340-0010	12-28-2013	Amend	2-1-2014
411-335-0010	4-1-2014	Repeal	5-1-2014	411-340-0020	12-28-2013	Amend	2-1-2014
411-335-0020	1-1-2014	Suspend	2-1-2014	411-340-0020	7-1-2014	Amend(T)	8-1-2014
411-335-0020	4-1-2014	Repeal	5-1-2014	411-340-0020(T)	12-28-2013	Repeal	2-1-2014
411-335-0030	1-1-2014	Suspend	2-1-2014	411-340-0030	12-28-2013	Amend	2-1-2014
411-335-0030	4-1-2014	Repeal	5-1-2014	411-340-0040	12-28-2013	Amend	2-1-2014
411-335-0040	1-1-2014	Suspend	2-1-2014	411-340-0050	12-28-2013	Amend	2-1-2014
411-335-0040	4-1-2014	Repeal	5-1-2014	411-340-0060	12-28-2013	Amend	2-1-2014
411-335-0060	1-1-2014	Suspend	2-1-2014	411-340-0060	7-1-2014	Amend(T)	8-1-2014
411-335-0060	4-1-2014	Repeal	5-1-2014	411-340-0070	12-28-2013	Amend	2-1-2014
411-335-0120	1-1-2014	Suspend	2-1-2014	411-340-0080	12-28-2013	Amend	2-1-2014
411-335-0120	4-1-2014	Repeal	5-1-2014	411-340-0090	12-28-2013	Amend	2-1-2014
411-335-0130	1-1-2014	Suspend	2-1-2014	411-340-0100	12-28-2013	Amend	2-1-2014
411-335-0130	4-1-2014	Repeal	5-1-2014	411-340-0100	7-1-2014	Amend(T)	8-1-2014
411-335-0150	1-1-2014	Suspend	2-1-2014	411-340-0100(T)	12-28-2013	Repeal	2-1-2014
411-335-0150	4-1-2014	Repeal	5-1-2014	411-340-0110	12-28-2013	Amend	2-1-2014
411-335-0160	1-1-2014	Suspend	2-1-2014	411-340-0110	7-1-2014	Amend(T)	8-1-2014
411-335-0160	4-1-2014	Repeal	5-1-2014	411-340-0110(T)	12-28-2013	Repeal	2-1-2014
411-335-0170	1-1-2014	Suspend	2-1-2014	411-340-0120	12-28-2013	Amend	2-1-2014
411-335-0170	4-1-2014	Repeal	5-1-2014	411-340-0120	7-1-2014	Amend(T)	8-1-2014
411-335-0180	1-1-2014	Suspend	2-1-2014	411-340-0120(T)	12-28-2013	Repeal	2-1-2014
411-335-0180	4-1-2014	Repeal	5-1-2014	411-340-0125	12-28-2013	Amend	2-1-2014
411-335-0190	1-1-2014	Suspend	2-1-2014	411-340-0125(T)	12-28-2013	Repeal	2-1-2014
411-335-0190	4-1-2014	Repeal	5-1-2014	411-340-0130	12-28-2013	Amend	2-1-2014
411-335-0200	1-1-2014	Suspend	2-1-2014	411-340-0130	7-1-2014	Amend(T)	8-1-2014
411-335-0200	4-1-2014	Repeal	5-1-2014	411-340-0130(T)	12-28-2013	Repeal	2-1-2014
411-335-0210	1-1-2014	Suspend	2-1-2014	411-340-0135	7-1-2014	Adopt(T)	8-1-2014
411-335-0210	4-1-2014	Repeal	5-1-2014	411-340-0140	12-28-2013	Amend	2-1-2014
411-335-0220	1-1-2014	Suspend	2-1-2014	411-340-0150	12-28-2013	Amend	2-1-2014
411-335-0220	4-1-2014	Repeal	5-1-2014	411-340-0150	7-1-2014	Amend(T)	8-1-2014
411-335-0230	1-1-2014	Suspend	2-1-2014	411-340-0150(T)	12-28-2013	Repeal	2-1-2014
411-335-0230	4-1-2014	Repeal	5-1-2014	411-340-0160	12-28-2013	Amend	2-1-2014
411-335-0240	1-1-2014	Suspend	2-1-2014	411-340-0160	7-1-2014	Amend(T)	8-1-2014
411-335-0240	4-1-2014	Repeal	5-1-2014	411-340-0170	12-28-2013	Amend	2-1-2014
411-335-0250	1-1-2014	Suspend	2-1-2014	411-340-0170	7-1-2014	Amend(T)	8-1-2014
411-335-0250	4-1-2014	Repeal	5-1-2014	411-340-0180	12-28-2013	Amend	2-1-2014
411-335-0260	1-1-2014	Suspend	2-1-2014	411-341-1300	7-1-2014	Repeal	8-1-2014
411-335-0260	4-1-2014	Repeal	5-1-2014	411-341-1310	7-1-2014	Repeal	8-1-2014
411-335-0270	1-1-2014	Suspend	2-1-2014	411-341-1320	7-1-2014	Repeal	8-1-2014
411-335-0270	4-1-2014	Repeal	5-1-2014	411-341-1330	7-1-2014	Repeal	8-1-2014
411-335-0280	1-1-2014	Suspend	2-1-2014	411-341-1340	7-1-2014	Repeal	8-1-2014
411-335-0280	4-1-2014	Repeal	5-1-2014	411-341-1350	7-1-2014	Repeal	8-1-2014
411-335-0290	1-1-2014	Suspend	2-1-2014	411-341-1360	7-1-2014	Repeal	8-1-2014
411-335-0290	4-1-2014	Repeal	5-1-2014	411-341-1370	7-1-2014	Repeal	8-1-2014
411-335-0310	1-1-2014	Suspend	2-1-2014	411-345-0010	12-28-2013	Amend	2-1-2014
411-335-0310	4-1-2014	Repeal	5-1-2014	411-345-0010	7-1-2014	Amend(T)	8-1-2014
411-335-0320	1-1-2014	Suspend	2-1-2014	411-345-0020	12-28-2013	Amend	2-1-2014
411-335-0320	4-1-2014	Repeal	5-1-2014	411-345-0020	7-1-2014	Amend(T)	8-1-2014
411-335-0330	1-1-2014	Suspend	2-1-2014	411-345-0020(T)	12-28-2013	Repeal	2-1-2014
411-335-0330	4-1-2014	Repeal	5-1-2014	411-345-0025	7-1-2014	Amend(T)	8-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
411-345-0027	7-1-2014	Adopt(T)	8-1-2014	411-350-0010	12-28-2013	Amend	2-1-2014
411-345-0030	7-1-2014	Amend(T)	8-1-2014	411-350-0020	12-28-2013	Amend	2-1-2014
411-345-0050	7-1-2014	Amend(T)	8-1-2014	411-350-0020(T)	12-28-2013	Repeal	2-1-2014
411-345-0085	7-1-2014	Adopt(T)	8-1-2014	411-350-0030	12-28-2013	Amend	2-1-2014
411-345-0090	7-1-2014	Amend(T)	8-1-2014	411-350-0030(T)	12-28-2013	Repeal	2-1-2014
411-345-0095	12-28-2013	Amend	2-1-2014	411-350-0040	12-28-2013	Amend	2-1-2014
411-345-0095	7-1-2014	Amend(T)	8-1-2014	411-350-0040(T)	12-28-2013	Repeal	2-1-2014
411-345-0100	7-1-2014	Suspend	8-1-2014	411-350-0050	12-28-2013	Amend	2-1-2014
411-345-0110	12-28-2013	Amend	2-1-2014	411-350-0050(T)	12-28-2013	Repeal	2-1-2014
411-345-0110	7-1-2014	Amend(T)	8-1-2014	411-350-0080	12-28-2013	Amend	2-1-2014
411-345-0130	12-28-2013	Amend	2-1-2014	411-350-0100	12-28-2013	Amend	2-1-2014
411-345-0130	7-1-2014	Amend(T)	8-1-2014	411-350-0110	12-28-2013	Amend	2-1-2014
411-345-0140	12-28-2013	Amend	2-1-2014	411-350-0115	12-28-2013	Amend	2-1-2014
411-345-0140	7-1-2014	Amend(T)	8-1-2014	411-350-0118	12-28-2013	Amend	2-1-2014
411-345-0140(T)	12-28-2013	Repeal	2-1-2014	411-350-0120	12-28-2013	Amend	2-1-2014
411-345-0160	12-28-2013	Amend	2-1-2014	411-355-0000	12-28-2013	Amend	2-1-2014
411-345-0160	7-1-2014	Amend(T)	8-1-2014	411-355-0010	12-28-2013	Amend	2-1-2014
411-345-0170	12-28-2013	Amend	2-1-2014	411-355-0010(T)	12-28-2013	Repeal	2-1-2014
411-345-0170	7-1-2014	Amend(T)	8-1-2014	411-355-0020	12-28-2013	Amend	2-1-2014
411-345-0180	12-28-2013	Amend	2-1-2014	411-355-0020(T)	12-28-2013	Repeal	2-1-2014
411-345-0180	7-1-2014	Amend(T)	8-1-2014	411-355-0030	12-28-2013	Amend	2-1-2014
411-345-0190	12-28-2013	Amend	2-1-2014	411-355-0030(T)	12-28-2013	Repeal	2-1-2014
411-345-0190	7-1-2014	Amend(T)	8-1-2014	411-355-0040	12-28-2013	Amend	2-1-2014
411-345-0200	12-28-2013	Amend	2-1-2014	411-355-0040(T)	12-28-2013	Repeal	2-1-2014
411-345-0200	7-1-2014	Amend(T)	8-1-2014	411-355-0050	12-28-2013	Amend	2-1-2014
411-345-0230	12-28-2013	Amend	2-1-2014	411-355-0060	12-28-2013	Amend	2-1-2014
411-345-0230	7-1-2014	Amend(T)	8-1-2014	411-355-0070	12-28-2013	Amend	2-1-2014
411-345-0240	12-28-2013	Amend	2-1-2014	411-355-0080	12-28-2013	Amend	2-1-2014
411-345-0240	7-1-2014	Amend(T)	8-1-2014	411-355-0090	12-28-2013	Amend	2-1-2014
411-345-0250	12-28-2013	Amend	2-1-2014	411-355-0100	12-28-2013	Amend	2-1-2014
411-345-0250	7-1-2014	Amend(T)	8-1-2014	411-355-0110	12-28-2013	Amend	2-1-2014
411-345-0260	12-28-2013	Amend	2-1-2014	411-355-0120	12-28-2013	Amend	2-1-2014
411-345-0260	7-1-2014	Amend(T)	8-1-2014	411-360-0020	7-1-2014	Amend(T)	8-1-2014
411-345-0270	12-28-2013	Amend	2-1-2014	411-360-0140	7-1-2014	Amend(T)	8-1-2014
411-345-0270	7-1-2014	Amend(T)	8-1-2014	411-360-0170	7-1-2014	Amend(T)	8-1-2014
411-346-0100	12-28-2013	Amend	2-1-2014	411-360-0190	7-1-2014	Amend(T)	8-1-2014
411-346-0110	12-28-2013	Amend	2-1-2014	411-360-0250	7-1-2014	Amend(T)	8-1-2014
411-346-0110	7-1-2014	Amend(T)	8-1-2014	411-360-0275	7-1-2014	Amend(T)	8-1-2014
411-346-0110(T)	12-28-2013	Repeal	2-1-2014	411-375-0000	7-1-2014	Adopt(T)	8-1-2014
411-346-0120	12-28-2013	Amend	2-1-2014	411-375-0010	7-1-2014	Adopt(T)	8-1-2014
411-346-0130	12-28-2013	Amend	2-1-2014	411-375-0020	7-1-2014	Adopt(T)	8-1-2014
411-346-0140	12-28-2013	Amend	2-1-2014	411-375-0030	7-1-2014	Adopt(T)	8-1-2014
411-346-0150	12-28-2013	Amend	2-1-2014	411-375-0040	7-1-2014	Adopt(T)	8-1-2014
411-346-0150	7-1-2014	Amend(T)	8-1-2014	411-375-0050	7-1-2014	Adopt(T)	8-1-2014
411-346-0160	12-28-2013	Amend	2-1-2014	411-375-0060	7-1-2014	Adopt(T)	8-1-2014
411-346-0165	12-28-2013	Amend	2-1-2014	411-375-0070	7-1-2014	Adopt(T)	8-1-2014
411-346-0170	12-28-2013	Amend	2-1-2014	411-375-0080	7-1-2014	Adopt(T)	8-1-2014
411-346-0180	12-28-2013	Amend	2-1-2014	413-010-0000	1-1-2014	Amend	2-1-2014
411-346-0180	7-1-2014	Amend(T)	8-1-2014	413-010-0010	1-1-2014	Amend	2-1-2014
411-346-0180(T)	12-28-2013	Repeal	2-1-2014	413-010-0030	1-1-2014	Amend	2-1-2014
411-346-0190	12-28-2013	Amend	2-1-2014	413-010-0035	1-1-2014	Amend	2-1-2014
411-346-0190	7-1-2014	Amend(T)	8-1-2014	413-010-0045	1-1-2014	Amend	2-1-2014
411-346-0200	12-28-2013	Amend	2-1-2014	413-010-0055	1-1-2014	Amend	2-1-2014
411-346-0210	12-28-2013	Amend	2-1-2014	413-010-0065	1-1-2014	Amend	2-1-2014
411-346-0220	12-28-2013	Amend	2-1-2014	413-010-0068	1-1-2014	Amend	2-1-2014
411-346-0230	12-28-2013	Amend	2-1-2014	413-010-0075	1-1-2014	Amend	2-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
413-010-0170	1-1-2014	Amend	2-1-2014	413-015-1105	7-1-2014	Amend(T)	8-1-2014
413-010-0175	1-1-2014	Amend	2-1-2014	413-015-1110	5-27-2014	Amend	7-1-2014
413-010-0180	1-1-2014	Amend	2-1-2014	413-015-1125	5-27-2014	Amend	7-1-2014
413-010-0185	1-1-2014	Adopt	2-1-2014	413-015-1210	5-27-2014	Amend	7-1-2014
413-010-0300	1-1-2014	Amend	2-1-2014	413-015-1220	5-27-2014	Amend	7-1-2014
413-010-0310	1-1-2014	Amend	2-1-2014	413-015-1230	5-27-2014	Amend	7-1-2014
413-010-0310	6-3-2014	Amend	7-1-2014	413-015-9000	5-27-2014	Adopt	7-1-2014
413-010-0310	8-4-2014	Amend(T)	9-1-2014	413-015-9010	5-27-2014	Adopt	7-1-2014
413-010-0320	1-1-2014	Amend	2-1-2014	413-015-9020	5-27-2014	Adopt	7-1-2014
413-010-0330	1-1-2014	Amend	2-1-2014	413-015-9030	5-27-2014	Adopt	7-1-2014
413-010-0340	1-1-2014	Amend	2-1-2014	413-015-9040	5-27-2014	Adopt	7-1-2014
413-015-0100	5-27-2014	Amend	7-1-2014	413-015-9040	7-1-2014	Amend(T)	8-1-2014
413-015-0105	5-27-2014	Amend	7-1-2014	413-040-0370	4-1-2014	Repeal	5-1-2014
413-015-0110	5-27-2014	Repeal	7-1-2014	413-040-0380	4-1-2014	Repeal	5-1-2014
413-015-0115	5-27-2014	Amend	7-1-2014	413-040-0390	4-1-2014	Repeal	5-1-2014
413-015-0115	7-1-2014	Amend(T)	8-1-2014	413-070-0063	6-3-2014	Amend	7-1-2014
413-015-0125	5-27-2014	Amend	7-1-2014	413-070-0063	8-4-2014	Amend(T)	9-1-2014
413-015-0205	5-27-2014	Amend	7-1-2014	413-070-0505	6-3-2014	Amend	7-1-2014
413-015-0210	5-27-2014	Amend	7-1-2014	413-070-0505	8-4-2014	Amend(T)	9-1-2014
413-015-0211	5-27-2014	Amend	7-1-2014	413-070-0620	6-3-2014	Amend	7-1-2014
413-015-0212	5-27-2014	Amend	7-1-2014	413-070-0620	8-4-2014	Amend(T)	9-1-2014
413-015-0213	5-27-2014	Amend	7-1-2014	413-070-0655	6-3-2014	Amend	7-1-2014
413-015-0215	5-27-2014	Amend	7-1-2014	413-070-0655	8-4-2014	Amend(T)	9-1-2014
413-015-0220	5-27-2014	Amend	7-1-2014	413-070-0800	1-1-2014	Amend	2-1-2014
413-015-0225	5-27-2014	Amend	7-1-2014	413-070-0810	1-1-2014	Amend	2-1-2014
413-015-0400	5-27-2014	Amend	7-1-2014	413-070-0830	1-1-2014	Amend	2-1-2014
413-015-0403	5-27-2014	Amend	7-1-2014	413-070-0840	1-1-2014	Amend	2-1-2014
413-015-0404	5-27-2014	Adopt	7-1-2014	413-070-0855	1-1-2014	Amend	2-1-2014
413-015-0405	5-27-2014	Amend	7-1-2014	413-070-0860	1-1-2014	Amend	2-1-2014
413-015-0409	5-27-2014	Amend	7-1-2014	413-070-0870	1-1-2014	Amend	2-1-2014
413-015-0409	7-1-2014	Amend(T)	8-1-2014	413-070-0880	1-1-2014	Amend	2-1-2014
413-015-0415	5-27-2014	Amend	7-1-2014	413-070-0900	2-1-2014	Amend	3-1-2014
413-015-0415	7-1-2014	Amend(T)	8-1-2014	413-070-0905	2-1-2014	Amend	3-1-2014
413-015-0420	5-27-2014	Amend	7-1-2014	413-070-0905	6-3-2014	Amend	7-1-2014
413-015-0420	7-1-2014	Amend(T)	8-1-2014	413-070-0905	8-4-2014	Amend(T)	9-1-2014
413-015-0422	5-27-2014	Adopt	7-1-2014	413-070-0909	2-1-2014	Amend	3-1-2014
413-015-0425	5-27-2014	Amend	7-1-2014	413-070-0917	2-1-2014	Amend	3-1-2014
413-015-0428	5-27-2014	Adopt	7-1-2014	413-070-0919	2-1-2014	Amend	3-1-2014
413-015-0430	5-27-2014	Repeal	7-1-2014	413-070-0925	2-1-2014	Amend	3-1-2014
413-015-0432	5-27-2014	Adopt	7-1-2014	413-070-0934	2-1-2014	Amend	3-1-2014
413-015-0432	7-1-2014	Amend(T)	8-1-2014	413-070-0939	2-1-2014	Amend	3-1-2014
413-015-0435	5-27-2014	Amend	7-1-2014	413-070-0949	2-1-2014	Amend	3-1-2014
413-015-0437	5-27-2014	Adopt	7-1-2014	413-070-0959	2-1-2014	Amend	3-1-2014
413-015-0440	5-27-2014	Amend	7-1-2014	413-070-0964	2-1-2014	Amend	3-1-2014
413-015-0445	5-27-2014	Amend	7-1-2014	413-070-0969	2-1-2014	Amend	3-1-2014
413-015-0450	5-27-2014	Amend	7-1-2014	413-070-0974	2-1-2014	Amend	3-1-2014
413-015-0455	5-27-2014	Amend	7-1-2014	413-080-0050	5-27-2014	Amend	7-1-2014
413-015-0470	5-27-2014	Amend	7-1-2014	413-080-0052	5-27-2014	Amend	7-1-2014
413-015-0475	5-27-2014	Amend	7-1-2014	413-080-0054	5-27-2014	Amend	7-1-2014
413-015-0520	5-27-2014	Amend	7-1-2014	413-080-0055	5-27-2014	Amend	7-1-2014
413-015-0525	5-27-2014	Amend	7-1-2014	413-080-0059	5-27-2014	Amend	7-1-2014
413-015-0535	5-27-2014	Amend	7-1-2014	413-100-0400	1-1-2014	Amend(T)	2-1-2014
413-015-0540	7-1-2014	Amend(T)	8-1-2014	413-100-0400	6-12-2014	Amend	7-1-2014
413-015-0550	5-27-2014	Amend	7-1-2014	413-100-0400(T)	6-12-2014	Repeal	7-1-2014
413-015-0560	5-27-2014	Amend	7-1-2014	413-100-0410	1-1-2014	Amend(T)	2-1-2014
413-015-0565	5-27-2014	Amend	7-1-2014	413-100-0410	6-12-2014	Amend	7-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
413-100-0410(T)	6-12-2014	Repeal	7-1-2014	413-120-0010	8-4-2014	Amend(T)	9-1-2014
413-100-0420	1-1-2014	Amend(T)	2-1-2014	413-120-0195	6-3-2014	Amend	7-1-2014
413-100-0420	6-12-2014	Amend	7-1-2014	413-120-0195	8-4-2014	Amend(T)	9-1-2014
413-100-0420(T)	6-12-2014	Repeal	7-1-2014	413-120-0510	6-3-2014	Amend	7-1-2014
413-100-0430	1-1-2014	Amend(T)	2-1-2014	413-120-0510	8-4-2014	Amend(T)	9-1-2014
413-100-0430	6-12-2014	Amend	7-1-2014	413-120-0710	6-3-2014	Amend	7-1-2014
413-100-0430(T)	6-12-2014	Repeal	7-1-2014	413-120-0710	8-4-2014	Amend(T)	9-1-2014
413-100-0432	6-12-2014	Adopt	7-1-2014	413-120-0900	5-1-2014	Amend	6-1-2014
413-100-0435	1-1-2014	Adopt(T)	2-1-2014	413-120-0905	5-1-2014	Amend	6-1-2014
413-100-0435	6-12-2014	Adopt	7-1-2014	413-120-0910	5-1-2014	Amend	6-1-2014
413-100-0435(T)	6-12-2014	Repeal	7-1-2014	413-120-0920	5-1-2014	Amend	6-1-2014
413-100-0440	1-1-2014	Suspend	2-1-2014	413-120-0925	5-1-2014	Amend	6-1-2014
413-100-0440	6-12-2014	Repeal	7-1-2014	413-120-0930	5-1-2014	Amend	6-1-2014
413-100-0445	1-1-2014	Amend(T)	2-1-2014	413-120-0940	5-1-2014	Amend	6-1-2014
413-100-0445	6-12-2014	Amend	7-1-2014	413-120-0945	5-1-2014	Amend	6-1-2014
413-100-0445(T)	6-12-2014	Repeal	7-1-2014	413-120-0950	5-1-2014	Amend	6-1-2014
413-100-0450	1-1-2014	Suspend	2-1-2014	413-120-0960	5-1-2014	Amend	6-1-2014
413-100-0450	6-12-2014	Repeal	7-1-2014	413-120-0970	5-1-2014	Amend	6-1-2014
413-100-0451	6-12-2014	Adopt	7-1-2014	413-130-0000	2-1-2014	Amend	3-1-2014
413-100-0455	1-1-2014	Amend(T)	2-1-2014	413-130-0010	2-1-2014	Amend	3-1-2014
413-100-0455	6-12-2014	Amend	7-1-2014	413-130-0015	2-1-2014	Amend	3-1-2014
413-100-0455(T)	6-12-2014	Repeal	7-1-2014	413-130-0020	2-1-2014	Amend	3-1-2014
413-100-0457	2-4-2014	Adopt(T)	3-1-2014	413-130-0040	2-1-2014	Amend	3-1-2014
413-100-0457	6-12-2014	Adopt	7-1-2014	413-130-0050	2-1-2014	Amend	3-1-2014
413-100-0457(T)	6-12-2014	Repeal	7-1-2014	413-130-0055	2-1-2014	Amend	3-1-2014
413-100-0460	1-1-2014	Amend(T)	2-1-2014	413-130-0070	2-1-2014	Amend	3-1-2014
413-100-0460	6-12-2014	Amend	7-1-2014	413-130-0075	2-1-2014	Amend	3-1-2014
413-100-0460(T)	6-12-2014	Repeal	7-1-2014	413-130-0077	2-1-2014	Amend	3-1-2014
413-100-0470	1-1-2014	Suspend	2-1-2014	413-130-0077	8-1-2014	Amend	9-1-2014
413-100-0470	6-12-2014	Repeal	7-1-2014	413-130-0080	2-1-2014	Amend	3-1-2014
413-100-0480	1-1-2014	Suspend	2-1-2014	413-130-0110	2-1-2014	Amend	3-1-2014
413-100-0480	6-12-2014	Repeal	7-1-2014	413-130-0125	2-1-2014	Amend	3-1-2014
413-100-0490	1-1-2014	Suspend	2-1-2014	413-130-0130	2-1-2014	Amend	3-1-2014
413-100-0490	6-12-2014	Repeal	7-1-2014	413-140-0000	1-1-2014	Amend	2-1-2014
413-100-0500	1-1-2014	Suspend	2-1-2014	413-140-0010	1-1-2014	Amend	2-1-2014
413-100-0500	6-12-2014	Repeal	7-1-2014	413-140-0026	1-1-2014	Amend	2-1-2014
413-100-0510	1-1-2014	Suspend	2-1-2014	413-140-0030	1-1-2014	Amend	2-1-2014
413-100-0510	6-12-2014	Repeal	7-1-2014	413-140-0031	1-1-2014	Adopt	2-1-2014
413-100-0520	1-1-2014	Suspend	2-1-2014	413-140-0032	1-1-2014	Adopt	2-1-2014
413-100-0520	6-12-2014	Repeal	7-1-2014	413-140-0033	1-1-2014	Adopt	2-1-2014
413-100-0530	1-1-2014	Amend(T)	2-1-2014	413-140-0035	1-1-2014	Amend	2-1-2014
413-100-0530	6-12-2014	Amend	7-1-2014	413-140-0040	1-1-2014	Amend	2-1-2014
413-100-0530(T)	6-12-2014	Repeal	7-1-2014	413-140-0045	1-1-2014	Repeal	2-1-2014
413-100-0540	1-1-2014	Suspend	2-1-2014	413-140-0047	1-1-2014	Adopt	2-1-2014
413-100-0540	6-12-2014	Repeal	7-1-2014	413-140-0055	1-1-2014	Repeal	2-1-2014
413-100-0550	1-1-2014	Suspend	2-1-2014	413-140-0065	1-1-2014	Amend	2-1-2014
413-100-0550	6-12-2014	Repeal	7-1-2014	413-140-0080	1-1-2014	Repeal	2-1-2014
413-100-0560	1-1-2014	Suspend	2-1-2014	413-140-0110	1-1-2014	Amend	2-1-2014
413-100-0560	6-12-2014	Repeal	7-1-2014	413-140-0120	1-1-2014	Repeal	2-1-2014
413-100-0580	12-31-2013	Renumber	2-1-2014	413-200-0409	5-27-2014	Amend	7-1-2014
413-100-0590	12-31-2013	Renumber	2-1-2014	413-200-0414	7-1-2014	Amend(T)	8-1-2014
413-100-0600	1-1-2014	Suspend	2-1-2014	413-215-0918	2-1-2014	Amend	3-1-2014
413-100-0600	6-12-2014	Repeal	7-1-2014	413-310-0000	4-1-2014	Repeal	5-1-2014
413-100-0610	1-1-2014	Suspend	2-1-2014	413-310-0010	4-1-2014	Repeal	5-1-2014
413-100-0610	6-12-2014	Repeal	7-1-2014	413-310-0020	4-1-2014	Repeal	5-1-2014
413-120-0010	6-3-2014	Amend	7-1-2014	413-310-0030	4-1-2014	Repeal	5-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
413-310-0040	4-1-2014	Repeal	5-1-2014	413-330-0600	4-1-2014	Repeal	5-1-2014
413-310-0050	4-1-2014	Repeal	5-1-2014	413-330-0610	4-1-2014	Repeal	5-1-2014
413-310-0060	4-1-2014	Repeal	5-1-2014	413-330-0700	4-1-2014	Repeal	5-1-2014
413-310-0070	4-1-2014	Repeal	5-1-2014	413-330-0800	4-1-2014	Repeal	5-1-2014
413-310-0080	4-1-2014	Repeal	5-1-2014	413-330-0810	4-1-2014	Repeal	5-1-2014
413-310-0090	4-1-2014	Repeal	5-1-2014	413-330-0820	4-1-2014	Repeal	5-1-2014
413-310-0095	4-1-2014	Repeal	5-1-2014	413-330-0830	4-1-2014	Repeal	5-1-2014
413-310-0100	4-1-2014	Repeal	5-1-2014	413-350-0000	8-1-2014	Repeal	9-1-2014
413-310-0110	4-1-2014	Repeal	5-1-2014	413-350-0010	8-1-2014	Repeal	9-1-2014
413-310-0120	4-1-2014	Repeal	5-1-2014	413-350-0020	8-1-2014	Repeal	9-1-2014
413-310-0130	4-1-2014	Repeal	5-1-2014	413-350-0030	8-1-2014	Repeal	9-1-2014
413-330-0000	1-1-2014	Suspend	2-1-2014	413-350-0040	8-1-2014	Repeal	9-1-2014
413-330-0000	4-1-2014	Repeal	5-1-2014	413-350-0050	8-1-2014	Repeal	9-1-2014
413-330-0010	1-1-2014	Suspend	2-1-2014	413-350-0060	8-1-2014	Repeal	9-1-2014
413-330-0010	4-1-2014	Repeal	5-1-2014	413-350-0070	8-1-2014	Repeal	9-1-2014
413-330-0020	1-1-2014	Suspend	2-1-2014	413-350-0080	8-1-2014	Repeal	9-1-2014
413-330-0020	4-1-2014	Repeal	5-1-2014	413-350-0090	8-1-2014	Repeal	9-1-2014
413-330-0030	1-1-2014	Suspend	2-1-2014	414-002-0005	1-15-2014	Adopt	2-1-2014
413-330-0030	4-1-2014	Repeal	5-1-2014	414-002-0010	1-15-2014	Adopt	2-1-2014
413-330-0040	1-1-2014	Suspend	2-1-2014	414-061-0050	8-7-2014	Amend(T)	9-1-2014
413-330-0040	4-1-2014	Repeal	5-1-2014	414-205-0010	8-7-2014	Amend(T)	9-1-2014
413-330-0050	1-1-2014	Suspend	2-1-2014	414-205-0035	8-7-2014	Amend(T)	9-1-2014
413-330-0050	4-1-2014	Repeal	5-1-2014	414-205-0040	8-7-2014	Amend(T)	9-1-2014
413-330-0060	1-1-2014	Suspend	2-1-2014	414-205-0100	8-7-2014	Amend(T)	9-1-2014
413-330-0060	4-1-2014	Repeal	5-1-2014	414-300-0005	8-7-2014	Amend(T)	9-1-2014
413-330-0080	1-1-2014	Suspend	2-1-2014	414-300-0015	8-7-2014	Amend(T)	9-1-2014
413-330-0080	4-1-2014	Repeal	5-1-2014	414-300-0070	8-7-2014	Amend(T)	9-1-2014
413-330-0085	4-1-2014	Repeal	5-1-2014	414-350-0010	8-7-2014	Amend(T)	9-1-2014
413-330-0087	4-1-2014	Repeal	5-1-2014	414-350-0030	8-7-2014	Amend(T)	9-1-2014
413-330-0090	4-1-2014	Repeal	5-1-2014	414-350-0090	8-7-2014	Amend(T)	9-1-2014
413-330-0095	4-1-2014	Repeal	5-1-2014	414-800-0005	1-15-2014	Adopt(T)	2-1-2014
413-330-0097	4-1-2014	Repeal	5-1-2014	414-800-0005	7-7-2014	Adopt	8-1-2014
413-330-0098	4-1-2014	Repeal	5-1-2014	414-800-0010	1-15-2014	Adopt(T)	2-1-2014
413-330-0100	4-1-2014	Repeal	5-1-2014	414-800-0010	7-7-2014	Adopt	8-1-2014
413-330-0200	4-1-2014	Repeal	5-1-2014	414-800-0015	1-15-2014	Adopt(T)	2-1-2014
413-330-0210	4-1-2014	Repeal	5-1-2014	414-800-0015	7-7-2014	Adopt	8-1-2014
413-330-0220	4-1-2014	Repeal	5-1-2014	414-800-0020	1-15-2014	Adopt(T)	2-1-2014
413-330-0230	4-1-2014	Repeal	5-1-2014	414-800-0020	7-7-2014	Adopt	8-1-2014
413-330-0240	4-1-2014	Repeal	5-1-2014	414-800-0025	1-15-2014	Adopt(T)	2-1-2014
413-330-0250	4-1-2014	Repeal	5-1-2014	414-800-0025	7-7-2014	Adopt	8-1-2014
413-330-0260	4-1-2014	Repeal	5-1-2014	414-800-0030	1-15-2014	Adopt(T)	2-1-2014
413-330-0270	4-1-2014	Repeal	5-1-2014	414-800-0030	7-7-2014	Adopt	8-1-2014
413-330-0280	4-1-2014	Repeal	5-1-2014	414-800-0105	1-15-2014	Adopt(T)	2-1-2014
413-330-0290	4-1-2014	Repeal	5-1-2014	414-800-0105	7-7-2014	Adopt	8-1-2014
413-330-0300	4-1-2014	Repeal	5-1-2014	414-800-0110	1-15-2014	Adopt(T)	2-1-2014
413-330-0310	4-1-2014	Repeal	5-1-2014	414-800-0110	7-7-2014	Adopt	8-1-2014
413-330-0320	4-1-2014	Repeal	5-1-2014	414-800-0115	1-15-2014	Adopt(T)	2-1-2014
413-330-0330	4-1-2014	Repeal	5-1-2014	414-800-0115	7-7-2014	Adopt	8-1-2014
413-330-0340	4-1-2014	Repeal	5-1-2014	414-800-0120	1-15-2014	Adopt(T)	2-1-2014
413-330-0350	4-1-2014	Repeal	5-1-2014	414-800-0120	7-7-2014	Adopt	8-1-2014
413-330-0360	4-1-2014	Repeal	5-1-2014	414-800-0125	1-15-2014	Adopt(T)	2-1-2014
413-330-0500	4-1-2014	Repeal	5-1-2014	414-800-0125	7-7-2014	Adopt	8-1-2014
413-330-0510	4-1-2014	Repeal	5-1-2014	414-800-0130	1-15-2014	Adopt(T)	2-1-2014
413-330-0520	4-1-2014	Repeal	5-1-2014	414-800-0130	7-7-2014	Adopt	8-1-2014
413-330-0530	4-1-2014	Repeal	5-1-2014	414-900-0005	1-15-2014	Adopt	2-1-2014
413-330-0540	4-1-2014	Repeal	5-1-2014	414-900-0010	1-15-2014	Adopt	2-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
414-900-0015	1-15-2014	Adopt	2-1-2014	436-009-0004	4-1-2014	Amend	4-1-2014
414-900-0020	1-15-2014	Adopt	2-1-2014	436-009-0005	4-1-2014	Amend	4-1-2014
415-012-0000	1-28-2014	Amend(T)	3-1-2014	436-009-0006	4-1-2014	Repeal	4-1-2014
415-012-0000	6-19-2014	Amend	7-1-2014	436-009-0008	4-1-2014	Amend	4-1-2014
415-012-0057	12-20-2013	Adopt(T)	2-1-2014	436-009-0010	4-1-2014	Amend	4-1-2014
415-012-0057	6-19-2014	Adopt	7-1-2014	436-009-0010	4-15-2014	Amend(T)	5-1-2014
415-012-0058	12-20-2013	Adopt(T)	2-1-2014	436-009-0010	7-1-2014	Amend	7-1-2014
415-012-0058	6-19-2014	Adopt	7-1-2014	436-009-0010(T)	7-1-2014	Repeal	7-1-2014
415-065-0005	4-24-2014	Amend	6-1-2014	436-009-0015	4-1-2014	Repeal	4-1-2014
415-065-0010	4-24-2014	Amend	6-1-2014	436-009-0018	4-1-2014	Amend	4-1-2014
415-065-0015	4-24-2014	Repeal	6-1-2014	436-009-0020	4-1-2014	Amend	4-1-2014
415-065-0025	4-24-2014	Repeal	6-1-2014	436-009-0020	4-15-2014	Amend(T)	5-1-2014
415-065-0030	4-24-2014	Amend	6-1-2014	436-009-0020	7-1-2014	Amend	7-1-2014
415-065-0035	4-24-2014	Amend	6-1-2014	436-009-0020(T)	7-1-2014	Repeal	7-1-2014
415-065-0040	4-24-2014	Amend	6-1-2014	436-009-0023	4-1-2014	Adopt	4-1-2014
415-065-0045	4-24-2014	Amend	6-1-2014	436-009-0025	4-1-2014	Amend	4-1-2014
415-065-0050	4-24-2014	Amend	6-1-2014	436-009-0030	4-1-2014	Amend	4-1-2014
415-065-0055	4-24-2014	Amend	6-1-2014	436-009-0035	4-1-2014	Amend	4-1-2014
415-065-0060	4-24-2014	Amend	6-1-2014	436-009-0040	4-1-2014	Amend	4-1-2014
415-065-0065	4-24-2014	Repeal	6-1-2014	436-009-0050	4-1-2014	Repeal	4-1-2014
415-065-0070	4-24-2014	Amend	6-1-2014	436-009-0060	4-1-2014	Amend	4-1-2014
415-065-0075	4-24-2014	Amend	6-1-2014	436-009-0070	4-1-2014	Repeal	4-1-2014
415-065-0080	4-24-2014	Adopt	6-1-2014	436-009-0080	4-1-2014	Amend	4-1-2014
416-530-0000	1-15-2014	Amend	2-1-2014	436-009-0090	4-1-2014	Amend	4-1-2014
416-530-0010	1-15-2014	Amend	2-1-2014	436-009-0095	4-1-2014	Repeal	4-1-2014
416-530-0020	1-15-2014	Amend	2-1-2014	436-009-0110	4-1-2014	Amend	4-1-2014
416-530-0030	1-15-2014	Amend	2-1-2014	436-009-0114	4-1-2014	Repeal	4-1-2014
416-530-0035	1-15-2014	Amend	2-1-2014	436-009-0115	4-1-2014	Repeal	4-1-2014
416-530-0040	1-15-2014	Amend	2-1-2014	436-009-0120	4-1-2014	Repeal	4-1-2014
416-530-0050	1-15-2014	Amend	2-1-2014	436-009-0125	4-1-2014	Repeal	4-1-2014
416-530-0060	1-15-2014	Amend	2-1-2014	436-009-0130	4-1-2014	Repeal	4-1-2014
416-530-0070	1-15-2014	Amend	2-1-2014	436-009-0135	4-1-2014	Repeal	4-1-2014
416-530-0080	1-15-2014	Amend	2-1-2014	436-009-0140	4-1-2014	Repeal	4-1-2014
416-530-0090	1-15-2014	Amend	2-1-2014	436-009-0145	4-1-2014	Repeal	4-1-2014
416-530-0100	1-15-2014	Amend	2-1-2014	436-009-0155	4-1-2014	Repeal	4-1-2014
416-530-0110	1-15-2014	Amend	2-1-2014	436-009-0160	4-1-2014	Repeal	4-1-2014
416-530-0125	1-15-2014	Amend	2-1-2014	436-009-0165	4-1-2014	Repeal	4-1-2014
416-530-0130	1-15-2014	Amend	2-1-2014	436-009-0170	4-1-2014	Repeal	4-1-2014
416-530-0140	1-15-2014	Amend	2-1-2014	436-009-0175	4-1-2014	Repeal	4-1-2014
416-530-0150	1-15-2014	Amend	2-1-2014	436-009-0177	4-1-2014	Repeal	4-1-2014
416-530-0160	1-15-2014	Amend	2-1-2014	436-009-0180	4-1-2014	Repeal	4-1-2014
416-530-0170	1-15-2014	Amend	2-1-2014	436-009-0185	4-1-2014	Repeal	4-1-2014
416-530-0200	1-15-2014	Amend	2-1-2014	436-009-0200	4-1-2014	Repeal	4-1-2014
436-001-0030	3-28-2014	Amend	4-1-2014	436-009-0205	4-1-2014	Repeal	4-1-2014
436-008-0001	1-1-2015	Adopt	8-1-2014	436-009-0206	4-1-2014	Repeal	4-1-2014
436-008-0004	1-1-2015	Adopt	8-1-2014	436-009-0207	4-1-2014	Repeal	4-1-2014
436-008-0005	1-1-2015	Adopt	8-1-2014	436-009-0210	4-1-2014	Repeal	4-1-2014
436-008-0010	1-1-2015	Adopt	8-1-2014	436-009-0215	4-1-2014	Repeal	4-1-2014
436-008-0015	1-1-2015	Adopt	8-1-2014	436-009-0220	4-1-2014	Repeal	4-1-2014
436-008-0020	1-1-2015	Adopt	8-1-2014	436-009-0225	4-1-2014	Repeal	4-1-2014
436-008-0025	1-1-2015	Adopt	8-1-2014	436-009-0230	4-1-2014	Repeal	4-1-2014
436-008-0030	1-1-2015	Adopt	8-1-2014	436-009-0235	4-1-2014	Repeal	4-1-2014
436-008-0040	1-1-2015	Adopt	8-1-2014	436-009-0240	4-1-2014	Repeal	4-1-2014
436-009-0001	4-1-2014	Amend	4-1-2014	436-009-0245	4-1-2014	Repeal	4-1-2014
436-009-0002	4-1-2014	Repeal	4-1-2014	436-009-0255	4-1-2014	Repeal	4-1-2014
436-009-0003	4-1-2014	Repeal	4-1-2014	436-009-0260	4-1-2014	Repeal	4-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
436-009-0265	4-1-2014	Repeal	4-1-2014	436-160-0060(T)	10-1-2014	Suspend	8-1-2014
436-009-0270	4-1-2014	Repeal	4-1-2014	436-160-0405	7-1-2014	Amend(T)	7-1-2014
436-009-0275	4-1-2014	Repeal	4-1-2014	436-160-0405(T)	10-1-2014	Suspend	8-1-2014
436-009-0285	4-1-2014	Repeal	4-1-2014	436-160-0410	7-1-2014	Amend	3-1-2014
436-009-0290	4-1-2014	Repeal	4-1-2014	436-160-0410	7-1-2014	Amend(T)	7-1-2014
436-009-0998	4-1-2014	Amend	4-1-2014	436-160-0410	10-1-2014	Amend	8-1-2014
436-010-0005	4-1-2014	Amend	4-1-2014	436-160-0410(T)	10-1-2014	Repeal	8-1-2014
436-010-0230	4-1-2014	Amend	4-1-2014	436-160-0415	7-1-2014	Amend(T)	7-1-2014
436-010-0240	4-1-2014	Amend	4-1-2014	436-160-0415	10-1-2014	Amend	8-1-2014
436-010-0270	4-1-2014	Amend	4-1-2014	436-160-0415(T)	10-1-2014	Repeal	8-1-2014
436-010-0280	4-1-2014	Amend	4-1-2014	436-160-0420	7-1-2014	Amend(T)	7-1-2014
436-010-0290	4-1-2014	Amend	4-1-2014	436-160-0420	10-1-2014	Amend	8-1-2014
436-010-0330	4-1-2014	Amend	4-1-2014	436-160-0420(T)	10-1-2014	Repeal	8-1-2014
436-050-0003	9-15-2014	Amend	9-1-2014	436-160-0430	7-1-2014	Amend(T)	7-1-2014
436-050-0165	9-15-2014	Amend	9-1-2014	436-160-0430(T)	10-1-2014	Suspend	8-1-2014
436-050-0170	9-15-2014	Amend	9-1-2014	436-160-0440	7-1-2014	Amend(T)	7-1-2014
436-050-0175	9-15-2014	Amend	9-1-2014	436-160-0440(T)	10-1-2014	Suspend	8-1-2014
436-050-0180	9-15-2014	Amend	9-1-2014	436-160-0445	7-1-2014	Amend(T)	7-1-2014
436-050-0185	9-15-2014	Amend	9-1-2014	436-160-0445(T)	10-1-2014	Suspend	8-1-2014
436-050-0190	9-15-2014	Amend	9-1-2014	437-002-0005	12-12-2013	Amend	1-1-2014
436-050-0200	9-15-2014	Amend	9-1-2014	437-002-0080	12-12-2013	Amend	1-1-2014
436-050-0260	9-15-2014	Amend	9-1-2014	437-002-0140	12-12-2013	Amend	1-1-2014
436-050-0270	9-15-2014	Amend	9-1-2014	437-002-0240	5-14-2014	Amend	6-1-2014
436-050-0280	9-15-2014	Amend	9-1-2014	437-002-0312	12-12-2013	Amend	1-1-2014
436-050-0290	9-15-2014	Amend	9-1-2014	437-003-0001	12-12-2013	Amend	1-1-2014
436-050-0300	9-15-2014	Amend	9-1-2014	437-004-0100	8-8-2014	Amend	9-1-2014
436-050-0340	9-15-2014	Amend	9-1-2014	437-004-0150	8-8-2014	Amend	9-1-2014
436-160-0001	7-1-2014	Amend(T)	7-1-2014	437-004-0720	8-8-2014	Amend	9-1-2014
436-160-0001	10-1-2014	Amend	8-1-2014	437-004-0725	8-8-2014	Amend	9-1-2014
436-160-0001(T)	10-1-2014	Repeal	8-1-2014	437-004-0950	8-8-2014	Amend	9-1-2014
436-160-0004	7-1-2014	Amend(T)	7-1-2014	437-004-1430	8-8-2014	Amend	9-1-2014
436-160-0004	10-1-2014	Amend	8-1-2014	437-004-1440	8-8-2014	Amend	9-1-2014
436-160-0004(T)	10-1-2014	Repeal	8-1-2014	437-004-1450	8-8-2014	Amend	9-1-2014
436-160-0005	7-1-2014	Amend(T)	7-1-2014	437-004-1460	8-8-2014	Amend	9-1-2014
436-160-0005(T)	10-1-2014	Suspend	8-1-2014	437-004-1470	8-8-2014	Amend	9-1-2014
436-160-0011	7-1-2014	Adopt(T)	7-1-2014	437-004-1680	8-8-2014	Amend	9-1-2014
436-160-0011(T)	10-1-2014	Suspend	8-1-2014	437-004-9800	8-8-2014	Amend	9-1-2014
436-160-0012	7-1-2014	Adopt(T)	7-1-2014	437-004-9850	8-8-2014	Amend	9-1-2014
436-160-0012(T)	10-1-2014	Suspend	8-1-2014	437-007-0780	5-29-2014	Amend	7-1-2014
436-160-0013	7-1-2014	Adopt(T)	7-1-2014	438-005-0035	4-1-2014	Amend	1-1-2014
436-160-0013(T)	10-1-2014	Suspend	8-1-2014	438-005-0046	4-1-2014	Amend	1-1-2014
436-160-0014	7-1-2014	Adopt(T)	7-1-2014	438-005-0046	9-1-2014	Amend	8-1-2014
436-160-0014(T)	10-1-2014	Suspend	8-1-2014	438-006-0020	4-1-2014	Amend	1-1-2014
436-160-0015	7-1-2014	Adopt(T)	7-1-2014	438-006-0031	4-1-2014	Amend	1-1-2014
436-160-0015(T)	10-1-2014	Suspend	8-1-2014	438-006-0036	4-1-2014	Amend	1-1-2014
436-160-0016	7-1-2014	Adopt(T)	7-1-2014	438-006-0045	4-1-2014	Amend	1-1-2014
436-160-0016(T)	10-1-2014	Suspend	8-1-2014	438-006-0062	4-1-2014	Amend	1-1-2014
436-160-0017	7-1-2014	Adopt(T)	7-1-2014	438-006-0075	4-1-2014	Amend	1-1-2014
436-160-0017(T)	10-1-2014	Suspend	8-1-2014	438-006-0105	4-1-2014	Repeal	1-1-2014
436-160-0018	7-1-2014	Adopt(T)	7-1-2014	438-007-0005	4-1-2014	Amend	1-1-2014
436-160-0018(T)	10-1-2014	Suspend	8-1-2014	438-007-0018	4-1-2014	Amend	1-1-2014
436-160-0019	7-1-2014	Adopt(T)	7-1-2014	438-007-0020	4-1-2014	Amend	1-1-2014
436-160-0019(T)	10-1-2014	Suspend	8-1-2014	438-009-0020	4-1-2014	Amend	1-1-2014
436-160-0040	7-1-2014	Amend(T)	7-1-2014	438-011-0055	4-1-2014	Adopt	1-1-2014
436-160-0040(T)	10-1-2014	Suspend	8-1-2014	441-505-2000	2-12-2014	Adopt	3-1-2014
436-160-0060	7-1-2014	Amend(T)	7-1-2014	441-730-0010	1-1-2014	Amend(T)	2-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
442-001-0110	1-2-2014	Repeal	2-1-2014	442-010-0075	2-1-2014	Repeal	3-1-2014
442-001-0120	1-2-2014	Repeal	2-1-2014	442-010-0080	2-1-2014	Repeal	3-1-2014
442-001-0130	1-2-2014	Repeal	2-1-2014	442-010-0085	2-1-2014	Repeal	3-1-2014
442-001-0140	1-2-2014	Repeal	2-1-2014	442-010-0090	2-1-2014	Repeal	3-1-2014
442-001-0150	1-2-2014	Repeal	2-1-2014	442-010-0100	2-1-2014	Repeal	3-1-2014
442-001-0160	1-2-2014	Repeal	2-1-2014	442-010-0120	2-1-2014	Repeal	3-1-2014
442-005-0000	2-1-2014	Repeal	3-1-2014	442-010-0130	2-1-2014	Repeal	3-1-2014
442-005-0010	2-1-2014	Repeal	3-1-2014	442-010-0140	2-1-2014	Repeal	3-1-2014
442-005-0020	2-1-2014	Repeal	3-1-2014	442-010-0150	2-1-2014	Repeal	3-1-2014
442-005-0030	2-1-2014	Repeal	3-1-2014	442-010-0160	2-1-2014	Repeal	3-1-2014
442-005-0040	2-1-2014	Repeal	3-1-2014	442-010-0170	2-1-2014	Repeal	3-1-2014
442-005-0050	2-1-2014	Repeal	3-1-2014	442-010-0180	2-1-2014	Repeal	3-1-2014
442-005-0060	2-1-2014	Repeal	3-1-2014	442-010-0190	2-1-2014	Repeal	3-1-2014
442-005-0070	2-1-2014	Repeal	3-1-2014	442-010-0210	2-1-2014	Repeal	3-1-2014
442-005-0080	2-1-2014	Repeal	3-1-2014	442-010-0215	2-1-2014	Repeal	3-1-2014
442-005-0090	2-1-2014	Repeal	3-1-2014	442-010-0220	2-1-2014	Repeal	3-1-2014
442-005-0100	2-1-2014	Repeal	3-1-2014	442-010-0230	2-1-2014	Repeal	3-1-2014
442-005-0110	2-1-2014	Repeal	3-1-2014	442-010-0240	2-1-2014	Repeal	3-1-2014
442-005-0120	2-1-2014	Repeal	3-1-2014	442-010-0260	2-1-2014	Repeal	3-1-2014
442-005-0130	2-1-2014	Repeal	3-1-2014	442-010-0270	2-1-2014	Repeal	3-1-2014
442-005-0140	2-1-2014	Repeal	3-1-2014	443-003-0005	1-1-2014	Adopt(T)	2-1-2014
442-005-0150	2-1-2014	Repeal	3-1-2014	443-003-0010	1-1-2014	Adopt(T)	2-1-2014
442-005-0160	2-1-2014	Repeal	3-1-2014	443-003-0015	1-1-2014	Adopt(T)	2-1-2014
442-005-0170	2-1-2014	Repeal	3-1-2014	443-003-0015	2-26-2014	Adopt(T)	4-1-2014
442-005-0180	2-1-2014	Repeal	3-1-2014	443-003-0020	1-1-2014	Adopt(T)	2-1-2014
442-005-0190	2-1-2014	Repeal	3-1-2014	443-003-0020	2-26-2014	Adopt(T)	4-1-2014
442-005-0200	2-1-2014	Repeal	3-1-2014	443-003-0025	1-1-2014	Adopt(T)	2-1-2014
442-005-0210	2-1-2014	Repeal	3-1-2014	443-003-0025	2-26-2014	Adopt(T)	4-1-2014
442-005-0220	2-1-2014	Repeal	3-1-2014	443-003-0030	1-1-2014	Adopt(T)	2-1-2014
442-005-0230	2-1-2014	Repeal	3-1-2014	443-003-0035	1-1-2014	Adopt(T)	2-1-2014
442-005-0235	2-1-2014	Repeal	3-1-2014	443-003-0035	2-26-2014	Adopt(T)	4-1-2014
442-005-0240	2-1-2014	Repeal	3-1-2014	443-003-0040	1-1-2014	Adopt(T)	2-1-2014
442-005-0250	2-1-2014	Repeal	3-1-2014	443-003-0045	1-1-2014	Adopt(T)	2-1-2014
442-005-0260	2-1-2014	Repeal	3-1-2014	443-003-0050	1-1-2014	Adopt(T)	2-1-2014
442-005-0270	2-1-2014	Repeal	3-1-2014	443-003-0055	1-1-2014	Adopt(T)	2-1-2014
442-005-0275	2-1-2014	Repeal	3-1-2014	443-003-0060	1-1-2014	Adopt(T)	2-1-2014
442-005-0280	2-1-2014	Repeal	3-1-2014	443-003-0065	1-1-2014	Adopt(T)	2-1-2014
442-005-0290	2-1-2014	Repeal	3-1-2014	443-003-0070	1-1-2014	Adopt(T)	2-1-2014
442-005-0300	2-1-2014	Repeal	3-1-2014	443-003-0070	2-26-2014	Adopt(T)	4-1-2014
442-005-0310	2-1-2014	Repeal	3-1-2014	443-003-0075	1-1-2014	Adopt(T)	2-1-2014
442-005-0320	2-1-2014	Repeal	3-1-2014	443-003-0080	1-1-2014	Adopt(T)	2-1-2014
442-005-0330	2-1-2014	Repeal	3-1-2014	443-003-0085	1-1-2014	Adopt(T)	2-1-2014
442-005-0340	2-1-2014	Repeal	3-1-2014	443-003-0090	1-1-2014	Adopt(T)	2-1-2014
442-006-0000	1-2-2014	Repeal	2-1-2014	443-003-0095	1-1-2014	Adopt(T)	2-1-2014
442-006-0010	1-2-2014	Repeal	2-1-2014	443-003-0100	1-1-2014	Adopt(T)	2-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
443-003-0105	1-1-2014	Adopt(T)	2-1-2014	461-110-0330	1-1-2014	Amend	2-1-2014
443-003-0110	1-1-2014	Adopt(T)	2-1-2014	461-110-0330(T)	1-1-2014	Repeal	2-1-2014
443-003-0115	1-1-2014	Adopt(T)	2-1-2014	461-110-0340	1-1-2014	Amend	2-1-2014
443-003-0120	1-1-2014	Adopt(T)	2-1-2014	461-110-0340	7-1-2014	Repeal	8-1-2014
443-003-0125	1-1-2014	Adopt(T)	2-1-2014	461-110-0340(T)	1-1-2014	Repeal	2-1-2014
459-001-0005	3-31-2014	Amend	5-1-2014	461-110-0350	1-8-2014	Amend(T)	2-1-2014
459-001-0030	1-31-2014	Amend	3-1-2014	461-110-0350	7-1-2014	Amend	8-1-2014
459-005-0220	3-31-2014	Amend	5-1-2014	461-110-0350(T)	7-1-2014	Repeal	8-1-2014
459-005-0510	3-31-2014	Adopt	5-1-2014	461-110-0400(T)	1-1-2014	Repeal	2-1-2014
459-005-0520	3-31-2014	Adopt	5-1-2014	461-110-0410	7-1-2014	Amend	8-1-2014
459-005-0525	1-31-2014	Amend	3-1-2014	461-110-0530	1-1-2014	Amend	2-1-2014
459-005-0545	1-31-2014	Amend	3-1-2014	461-110-0530	7-1-2014	Amend	8-1-2014
459-005-0610	11-22-2013	Amend	1-1-2014	461-110-0530(T)	1-1-2014	Repeal	2-1-2014
459-007-0009	7-25-2014	Adopt	9-1-2014	461-110-0630	1-1-2014	Amend	2-1-2014
459-015-0010	7-25-2014	Amend	9-1-2014	461-110-0630(T)	1-1-2014	Repeal	2-1-2014
459-015-0055	7-25-2014	Amend	9-1-2014	461-115-0016	1-1-2014	Amend(T)	2-1-2014
459-017-0060	1-31-2014	Amend	3-1-2014	461-115-0016	7-1-2014	Amend	8-1-2014
459-035-0001	3-31-2014	Amend	5-1-2014	461-115-0030	1-1-2014	Amend	2-1-2014
459-035-0050	3-31-2014	Amend	5-1-2014	461-115-0030	7-1-2014	Amend	8-1-2014
459-040-0060	11-22-2013	Amend	1-1-2014	461-115-0030(T)	1-1-2014	Repeal	2-1-2014
459-040-0070	11-22-2013	Amend	1-1-2014	461-115-0050	1-1-2014	Amend	2-1-2014
459-045-0010	11-22-2013	Amend	1-1-2014	461-115-0050	7-1-2014	Amend	8-1-2014
459-050-0025	7-25-2014	Amend	9-1-2014	461-115-0050(T)	1-1-2014	Repeal	2-1-2014
459-050-0037	7-25-2014	Amend	9-1-2014	461-115-0071	1-1-2014	Amend	2-1-2014
459-050-0075	7-25-2014	Amend	9-1-2014	461-115-0071	7-16-2014	Amend(T)	9-1-2014
459-050-0077	7-25-2014	Amend	9-1-2014	461-115-0071(T)	1-1-2014	Repeal	2-1-2014
459-070-0100	1-31-2014	Amend	3-1-2014	461-115-0150	1-1-2014	Amend	2-1-2014
459-076-0010	7-25-2014	Amend	9-1-2014	461-115-0230	7-1-2014	Amend	8-1-2014
459-080-0250	7-25-2014	Amend	9-1-2014	461-115-0430	1-1-2014	Amend	2-1-2014
459-080-0500	1-31-2014	Amend	3-1-2014	461-115-0430	7-1-2014	Amend	8-1-2014
461-001-0000	1-1-2014	Amend	2-1-2014	461-115-0430(T)	1-1-2014	Repeal	2-1-2014
461-001-0000	1-1-2014	Amend(T)	2-1-2014	461-115-0530	1-1-2014	Repeal	2-1-2014
461-001-0000	4-1-2014	Amend	5-1-2014	461-115-0705	1-1-2014	Repeal	2-1-2014
461-001-0000	6-26-2014	Amend(T)	8-1-2014	461-120-0010	7-1-2014	Amend	8-1-2014
461-001-0000	7-1-2014	Amend	8-1-2014	461-120-0030	1-1-2014	Amend	2-1-2014
461-001-0000	7-1-2014	Amend(T)	8-1-2014	461-120-0030	7-1-2014	Amend	8-1-2014
461-001-0000(T)	1-1-2014	Repeal	2-1-2014	461-120-0030(T)	1-1-2014	Repeal	2-1-2014
461-001-0000(T)	4-1-2014	Repeal	5-1-2014	461-120-0050	1-1-2014	Amend	2-1-2014
461-001-0000(T)	7-1-2014	Repeal	8-1-2014	461-120-0050	7-1-2014	Amend	8-1-2014
461-001-0030	1-1-2014	Amend	2-1-2014	461-120-0050(T)	1-1-2014	Repeal	2-1-2014
461-025-0301	7-1-2014	Amend	8-1-2014	461-120-0125	1-1-2014	Amend	2-1-2014
461-025-0310	4-1-2014	Amend	5-1-2014	461-120-0125	7-1-2014	Amend	8-1-2014
461-025-0315	1-1-2014	Amend	2-1-2014	461-120-0125(T)	1-1-2014	Repeal	2-1-2014
461-025-0316	4-1-2014	Amend	5-1-2014	461-120-0210	1-1-2014	Amend	2-1-2014
461-025-0375	1-1-2014	Amend	2-1-2014	461-120-0210	7-1-2014	Amend	8-1-2014
461-101-0010	1-1-2014	Amend	2-1-2014	461-120-0210(T)	1-1-2014	Repeal	2-1-2014
461-101-0010	6-26-2014	Amend(T)	8-1-2014	461-120-0310	1-1-2014	Amend	2-1-2014
461-101-0010	7-1-2014	Amend	8-1-2014	461-120-0310(T)	1-1-2014	Repeal	2-1-2014
461-101-0010	7-1-2014	Amend(T)	8-1-2014	461-120-0315	1-1-2014	Amend	2-1-2014
461-101-0010(T)	1-1-2014	Repeal	2-1-2014	461-120-0315	7-1-2014	Amend	8-1-2014
461-101-0010(T)	7-1-2014	Repeal	8-1-2014	461-120-0315(T)	1-1-2014	Repeal	2-1-2014
461-105-0100	1-1-2014	Amend	2-1-2014	461-120-0330	1-1-2014	Amend	2-1-2014
461-105-0130	1-1-2014	Amend	2-1-2014	461-120-0345	1-1-2014	Amend	2-1-2014
461-110-0210	1-1-2014	Amend	2-1-2014	461-120-0345(T)	1-1-2014	Repeal	2-1-2014
461-110-0210	7-1-2014	Amend	8-1-2014	461-120-0350	1-1-2014	Amend	2-1-2014
461-110-0210(T)	1-1-2014	Repeal	2-1-2014	461-120-0350(T)	1-1-2014	Repeal	2-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
461-120-0510	1-1-2014	Amend	2-1-2014	461-140-0020	1-1-2014	Amend	2-1-2014
461-120-0510	7-1-2014	Amend	8-1-2014	461-140-0020	7-1-2014	Amend	8-1-2014
461-120-0510(T)	1-1-2014	Repeal	2-1-2014	461-140-0040	1-1-2014	Amend	2-1-2014
461-120-0630	1-1-2014	Amend	2-1-2014	461-140-0040	7-1-2014	Amend	8-1-2014
461-120-0630(T)	1-1-2014	Repeal	2-1-2014	461-140-0040(T)	1-1-2014	Repeal	2-1-2014
461-125-0150	1-1-2014	Amend	2-1-2014	461-140-0120	1-1-2014	Amend	2-1-2014
461-125-0150(T)	1-1-2014	Repeal	2-1-2014	461-140-0120(T)	1-1-2014	Repeal	2-1-2014
461-125-0370	8-1-2014	Amend(T)	9-1-2014	461-140-0210	1-1-2014	Amend	2-1-2014
461-130-0328	1-1-2014	Amend	2-1-2014	461-140-0210(T)	1-1-2014	Repeal	2-1-2014
461-130-0328(T)	1-1-2014	Repeal	2-1-2014	461-140-0270	1-1-2014	Amend	2-1-2014
461-135-0010	1-1-2014	Amend	2-1-2014	461-140-0270(T)	1-1-2014	Repeal	2-1-2014
461-135-0010	7-1-2014	Amend	8-1-2014	461-140-0300	1-1-2014	Amend	2-1-2014
461-135-0010(T)	1-1-2014	Repeal	2-1-2014	461-145-0040	1-1-2014	Amend	2-1-2014
461-135-0070	1-1-2014	Amend	2-1-2014	461-145-0040(T)	1-1-2014	Repeal	2-1-2014
461-135-0070(T)	1-1-2014	Repeal	2-1-2014	461-145-0050	1-1-2014	Amend	2-1-2014
461-135-0080	1-1-2014	Amend	2-1-2014	461-145-0050(T)	1-1-2014	Repeal	2-1-2014
461-135-0080(T)	1-1-2014	Repeal	2-1-2014	461-145-0080	1-1-2014	Amend	2-1-2014
461-135-0095	1-1-2014	Repeal	2-1-2014	461-145-0080(T)	1-1-2014	Repeal	2-1-2014
461-135-0096	1-1-2014	Repeal	2-1-2014	461-145-0086	1-1-2014	Amend	2-1-2014
461-135-0150	7-1-2014	Repeal	8-1-2014	461-145-0086(T)	1-1-2014	Repeal	2-1-2014
461-135-0170	1-1-2014	Repeal	2-1-2014	461-145-0090	1-1-2014	Amend	2-1-2014
461-135-0405	4-10-2014	Amend(T)	5-1-2014	461-145-0090(T)	1-1-2014	Repeal	2-1-2014
461-135-0407	5-1-2014	Amend(T)	6-1-2014	461-145-0110	1-1-2014	Amend	2-1-2014
461-135-0505	1-1-2014	Amend	2-1-2014	461-145-0110(T)	1-1-2014	Repeal	2-1-2014
461-135-0505	1-1-2014	Amend(T)	2-1-2014	461-145-0120	1-1-2014	Amend	2-1-2014
461-135-0505	4-1-2014	Amend	5-1-2014	461-145-0120(T)	1-1-2014	Repeal	2-1-2014
461-135-0505(T)	4-1-2014	Repeal	5-1-2014	461-145-0130	1-1-2014	Amend	2-1-2014
461-135-0750	4-1-2014	Amend	5-1-2014	461-145-0130(T)	1-1-2014	Repeal	2-1-2014
461-135-0780	1-1-2014	Amend	2-1-2014	461-145-0150	1-1-2014	Amend	2-1-2014
461-135-0832	1-1-2014	Amend	2-1-2014	461-145-0150(T)	1-1-2014	Repeal	2-1-2014
461-135-0832	7-1-2014	Amend	8-1-2014	461-145-0220	1-1-2014	Amend	2-1-2014
461-135-0835	1-1-2014	Amend	2-1-2014	461-145-0220(T)	1-1-2014	Repeal	2-1-2014
461-135-0835	7-1-2014	Amend	8-1-2014	461-145-0230	1-1-2014	Amend	2-1-2014
461-135-0841	1-1-2014	Amend	2-1-2014	461-145-0230(T)	1-1-2014	Repeal	2-1-2014
461-135-0845	1-1-2014	Amend	2-1-2014	461-145-0250	1-1-2014	Amend	2-1-2014
461-135-0875	1-1-2014	Amend	2-1-2014	461-145-0250(T)	1-1-2014	Repeal	2-1-2014
461-135-0875	7-1-2014	Amend	8-1-2014	461-145-0280	1-1-2014	Amend(T)	2-1-2014
461-135-0875(T)	1-1-2014	Repeal	2-1-2014	461-145-0280	4-1-2014	Amend	5-1-2014
461-135-0900	1-1-2014	Amend	2-1-2014	461-145-0280(T)	4-1-2014	Repeal	5-1-2014
461-135-0900(T)	1-1-2014	Repeal	2-1-2014	461-145-0300	1-1-2014	Amend	2-1-2014
461-135-0930	1-1-2014	Amend	2-1-2014	461-145-0300(T)	1-1-2014	Repeal	2-1-2014
461-135-0930(T)	1-1-2014	Repeal	2-1-2014	461-145-0330	1-1-2014	Amend	2-1-2014
461-135-0950	1-1-2014	Amend	2-1-2014	461-145-0330(T)	1-1-2014	Repeal	2-1-2014
461-135-0950	4-1-2014	Amend	5-1-2014	461-145-0340	1-1-2014	Amend	2-1-2014
461-135-0950(T)	1-1-2014	Repeal	2-1-2014	461-145-0340	7-1-2014	Amend	8-1-2014
461-135-0990	7-1-2014	Amend	8-1-2014	461-145-0340(T)	1-1-2014	Repeal	2-1-2014
461-135-1060	1-1-2014	Repeal	2-1-2014	461-145-0360	1-1-2014	Amend	2-1-2014
461-135-1070	1-1-2014	Amend	2-1-2014	461-145-0360(T)	1-1-2014	Repeal	2-1-2014
461-135-1070(T)	1-1-2014	Repeal	2-1-2014	461-145-0365	1-1-2014	Amend	2-1-2014
461-135-1100	1-1-2014	Repeal	2-1-2014	461-145-0365(T)	1-1-2014	Repeal	2-1-2014
461-135-1101	1-1-2014	Repeal	2-1-2014	461-145-0380	1-1-2014	Amend	2-1-2014
461-135-1102	1-1-2014	Repeal	2-1-2014	461-145-0380	7-1-2014	Amend	8-1-2014
461-135-1120	1-1-2014	Repeal	2-1-2014	461-145-0380(T)	1-1-2014	Repeal	2-1-2014
461-135-1125	1-1-2014	Repeal	2-1-2014	461-145-0410	1-1-2014	Amend	2-1-2014
461-135-1149	1-1-2014	Repeal	2-1-2014	461-145-0410(T)	1-1-2014	Repeal	2-1-2014
461-135-1260	6-26-2014	Amend(T)	8-1-2014	461-145-0420	1-1-2014	Amend	2-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
461-145-0420(T)	1-1-2014	Repeal	2-1-2014	461-155-0225(T)	1-1-2014	Repeal	2-1-2014
461-145-0430	1-1-2014	Amend	2-1-2014	461-155-0235	1-1-2014	Repeal	2-1-2014
461-145-0430(T)	1-1-2014	Repeal	2-1-2014	461-155-0250	1-1-2014	Amend	2-1-2014
461-145-0433	1-1-2014	Amend	2-1-2014	461-155-0250	7-1-2014	Amend(T)	8-1-2014
461-145-0433(T)	1-1-2014	Repeal	2-1-2014	461-155-0270	1-1-2014	Amend	2-1-2014
461-145-0440	1-1-2014	Amend	2-1-2014	461-155-0290	3-1-2014	Amend(T)	3-1-2014
461-145-0440(T)	1-1-2014	Repeal	2-1-2014	461-155-0290	3-7-2014	Amend	4-1-2014
461-145-0455	1-1-2014	Amend	2-1-2014	461-155-0290(T)	3-7-2014	Repeal	4-1-2014
461-145-0455(T)	1-1-2014	Repeal	2-1-2014	461-155-0291	3-1-2014	Amend(T)	3-1-2014
461-145-0460	1-1-2014	Amend	2-1-2014	461-155-0291	3-7-2014	Amend	4-1-2014
461-145-0460(T)	1-1-2014	Repeal	2-1-2014	461-155-0291(T)	3-7-2014	Repeal	4-1-2014
461-145-0470	1-1-2014	Amend	2-1-2014	461-155-0295	3-1-2014	Amend(T)	3-1-2014
461-145-0470(T)	1-1-2014	Repeal	2-1-2014	461-155-0295	3-7-2014	Amend	4-1-2014
461-145-0505	1-1-2014	Amend	2-1-2014	461-155-0295(T)	3-7-2014	Repeal	4-1-2014
461-145-0505(T)	1-1-2014	Repeal	2-1-2014	461-155-0300	1-1-2014	Amend	2-1-2014
461-145-0510	1-1-2014	Amend	2-1-2014	461-155-0350	1-1-2014	Amend	2-1-2014
461-145-0510(T)	1-1-2014	Repeal	2-1-2014	461-155-0350(T)	1-1-2014	Repeal	2-1-2014
461-145-0540	1-1-2014	Amend	2-1-2014	461-155-0360	7-1-2014	Amend	8-1-2014
461-145-0540(T)	1-1-2014	Repeal	2-1-2014	461-155-0670	1-1-2014	Amend	2-1-2014
461-145-0580	1-1-2014	Amend	2-1-2014	461-155-0670(T)	1-1-2014	Repeal	2-1-2014
461-145-0580(T)	1-1-2014	Repeal	2-1-2014	461-160-0015	1-1-2014	Amend	2-1-2014
461-145-0590	1-1-2014	Amend	2-1-2014	461-160-0015(T)	1-1-2014	Repeal	2-1-2014
461-145-0590(T)	1-1-2014	Repeal	2-1-2014	461-160-0040	1-1-2014	Amend	2-1-2014
461-145-0600	1-1-2014	Amend	2-1-2014	461-160-0040(T)	1-1-2014	Repeal	2-1-2014
461-145-0600(T)	1-1-2014	Repeal	2-1-2014	461-160-0060	1-1-2014	Amend	2-1-2014
461-145-0820	1-1-2014	Amend	2-1-2014	461-160-0060(T)	1-1-2014	Repeal	2-1-2014
461-145-0820(T)	1-1-2014	Repeal	2-1-2014	461-160-0100	1-1-2014	Amend	2-1-2014
461-145-0830	1-1-2014	Amend	2-1-2014	461-160-0100(T)	1-1-2014	Repeal	2-1-2014
461-145-0830(T)	1-1-2014	Repeal	2-1-2014	461-160-0120	1-1-2014	Repeal	2-1-2014
461-145-0860	1-1-2014	Amend	2-1-2014	461-160-0125	1-1-2014	Repeal	2-1-2014
461-145-0860(T)	1-1-2014	Repeal	2-1-2014	461-160-0160	1-1-2014	Amend	2-1-2014
461-145-0870	1-1-2014	Repeal	2-1-2014	461-160-0160(T)	1-1-2014	Repeal	2-1-2014
461-145-0910	1-1-2014	Amend	2-1-2014	461-160-0190	1-1-2014	Repeal	2-1-2014
461-145-0910(T)	1-1-2014	Repeal	2-1-2014	461-160-0200	1-1-2014	Repeal	2-1-2014
461-145-0920	1-1-2014	Amend	2-1-2014	461-160-0420	5-20-2014	Amend(T)	7-1-2014
461-145-0920(T)	1-1-2014	Repeal	2-1-2014	461-160-0550	7-1-2014	Amend	8-1-2014
461-145-0930	1-1-2014	Amend	2-1-2014	461-160-0551	7-1-2014	Amend	8-1-2014
461-145-0930(T)	1-1-2014	Repeal	2-1-2014	461-160-0580	1-1-2014	Amend	2-1-2014
461-150-0020	1-1-2014	Amend	2-1-2014	461-160-0620	1-1-2014	Amend	2-1-2014
461-150-0020(T)	1-1-2014	Repeal	2-1-2014	461-160-0620	2-1-2014	Amend	3-1-2014
461-150-0055	1-1-2014	Repeal	2-1-2014	461-160-0620	7-1-2014	Amend	8-1-2014
461-150-0060	1-1-2014	Amend	2-1-2014	461-160-0620	7-1-2014	Amend(T)	8-1-2014
461-150-0060(T)	1-1-2014	Repeal	2-1-2014	461-160-0630	1-1-2014	Amend	2-1-2014
461-150-0070	1-1-2014	Amend	2-1-2014	461-160-0630(T)	1-1-2014	Repeal	2-1-2014
461-150-0070(T)	1-1-2014	Repeal	2-1-2014	461-160-0700	1-1-2014	Repeal	2-1-2014
461-150-0080	1-1-2014	Amend	2-1-2014	461-160-0780	1-1-2014	Amend	2-1-2014
461-150-0080(T)	1-1-2014	Repeal	2-1-2014	461-165-0030	1-1-2014	Amend	2-1-2014
461-150-0090	1-1-2014	Amend	2-1-2014	461-165-0030(T)	1-1-2014	Repeal	2-1-2014
461-150-0090(T)	1-1-2014	Repeal	2-1-2014	461-165-0070	1-1-2014	Amend	2-1-2014
461-155-0030	1-1-2014	Amend	2-1-2014	461-165-0120	1-1-2014	Amend	2-1-2014
461-155-0030(T)	1-1-2014	Repeal	2-1-2014	461-165-0120(T)	1-1-2014	Repeal	2-1-2014
461-155-0150	3-31-2014	Amend	5-1-2014	461-165-0180	3-1-2014	Amend(T)	3-1-2014
461-155-0180	1-1-2014	Amend	2-1-2014	461-165-0180	4-1-2014	Amend(T)	5-1-2014
461-155-0180	2-1-2014	Amend	3-1-2014	461-165-0180	7-1-2014	Amend	8-1-2014
461-155-0180(T)	1-1-2014	Repeal	2-1-2014	461-165-0180	8-13-2014	Amend(T)	9-1-2014
461-155-0225	1-1-2014	Amend	2-1-2014	461-165-0180(T)	4-1-2014	Suspend	5-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
461-165-0180(T)	7-1-2014	Repeal	8-1-2014	461-195-0561(T)	4-1-2014	Repeal	5-1-2014
461-170-0010	7-1-2014	Amend	8-1-2014	462-120-0050	6-30-2014	Amend(T)	8-1-2014
461-170-0011	1-1-2014	Amend	2-1-2014	462-120-0060	2-13-2014	Amend	3-1-2014
461-170-0011	6-26-2014	Amend(T)	8-1-2014	462-200-0635	2-13-2014	Adopt	3-1-2014
461-170-0011(T)	1-1-2014	Repeal	2-1-2014	471-020-0010	2-28-2014	Amend	4-1-2014
461-170-0130	1-1-2014	Amend	2-1-2014	471-020-0010(T)	2-28-2014	Repeal	4-1-2014
461-170-0130(T)	1-1-2014	Repeal	2-1-2014	471-020-0035	2-28-2014	Amend	4-1-2014
461-170-0200	1-1-2014	Amend	2-1-2014	471-020-0035(T)	2-28-2014	Repeal	4-1-2014
461-170-0200(T)	1-1-2014	Repeal	2-1-2014	471-030-0036	2-23-2014	Amend	2-1-2014
461-175-0200	1-1-2014	Amend	2-1-2014	471-030-0036	2-23-2014	Amend	2-1-2014
461-175-0200(T)	1-1-2014	Repeal	2-1-2014	471-030-0040	2-23-2014	Amend	2-1-2014
461-175-0203(T)	1-1-2014	Repeal	2-1-2014	471-030-0040	2-23-2014	Amend	2-1-2014
461-175-0206	1-1-2014	Amend	2-1-2014	471-030-0040(T)	2-23-2014	Repeal	2-1-2014
461-175-0210	1-1-2014	Amend	2-1-2014	471-030-0040(T)	2-23-2014	Repeal	2-1-2014
461-175-0210(T)	1-1-2014	Repeal	2-1-2014	471-030-0045	2-23-2014	Amend	2-1-2014
461-175-0230	4-1-2014	Amend	5-1-2014	471-030-0045	2-23-2014	Amend	2-1-2014
461-175-0270	1-1-2014	Amend	2-1-2014	471-030-0045(T)	2-23-2014	Repeal	2-1-2014
461-175-0270(T)	1-1-2014	Repeal	2-1-2014	471-030-0045(T)	2-23-2014	Repeal	2-1-2014
461-175-0305	1-1-2014	Amend	2-1-2014	471-030-0052	2-23-2014	Amend	2-1-2014
461-175-0305(T)	1-1-2014	Repeal	2-1-2014	471-030-0052	2-23-2014	Amend	2-1-2014
461-180-0010	1-1-2014	Amend	2-1-2014	471-030-0052(T)	2-23-2014	Repeal	2-1-2014
461-180-0010(T)	1-1-2014	Repeal	2-1-2014	471-030-0052(T)	2-23-2014	Repeal	2-1-2014
461-180-0020	1-1-2014	Amend	2-1-2014	471-030-0053	2-23-2014	Amend	2-1-2014
461-180-0020(T)	1-1-2014	Repeal	2-1-2014	471-030-0053	2-23-2014	Amend	2-1-2014
461-180-0050	1-1-2014	Amend	2-1-2014	471-030-0053(T)	2-23-2014	Repeal	2-1-2014
461-180-0050(T)	1-1-2014	Repeal	2-1-2014	471-030-0053(T)	2-23-2014	Repeal	2-1-2014
461-180-0065	1-1-2014	Amend	2-1-2014	471-030-0058	2-23-2014	Adopt	2-1-2014
461-180-0065(T)	1-1-2014	Repeal	2-1-2014	471-030-0058	2-23-2014	Adopt	2-1-2014
461-180-0085	1-1-2014	Amend	2-1-2014	471-030-0058(T)	2-23-2014	Repeal	2-1-2014
461-180-0085(T)	1-1-2014	Repeal	2-1-2014	471-030-0058(T)	2-23-2014	Repeal	2-1-2014
461-180-0090	1-1-2014	Amend	2-1-2014	471-030-0078	2-23-2014	Repeal	2-1-2014
461-180-0090	7-1-2014	Amend	8-1-2014	471-030-0078	2-23-2014	Repeal	2-1-2014
461-180-0090(T)	1-1-2014	Repeal	2-1-2014	471-030-0081	5-19-2014	Amend(T)	7-1-2014
461-180-0097(T)	1-1-2014	Repeal	2-1-2014	471-030-0082	5-19-2014	Amend(T)	7-1-2014
461-180-0100	1-1-2014	Amend	2-1-2014	471-030-0083	2-23-2014	Adopt	2-1-2014
461-180-0100(T)	1-1-2014	Repeal	2-1-2014	471-030-0083	2-23-2014	Adopt	2-1-2014
461-180-0105	1-1-2014	Amend	2-1-2014	471-030-0210	2-23-2014	Amend	2-1-2014
461-180-0105(T)	1-1-2014	Repeal	2-1-2014	471-030-0210	2-23-2014	Amend	2-1-2014
461-180-0120	1-1-2014	Amend	2-1-2014	471-031-0151	2-23-2014	Amend	2-1-2014
461-180-0120(T)	1-1-2014	Repeal	2-1-2014	471-031-0151	2-23-2014	Amend	2-1-2014
461-180-0140	1-1-2014	Amend	2-1-2014	471-040-0020	2-23-2014	Amend	2-1-2014
461-180-0140(T)	1-1-2014	Repeal	2-1-2014	471-040-0020	2-23-2014	Amend	2-1-2014
461-185-0050	1-1-2014	Amend	2-1-2014	571-001-0000	6-30-2014	Repeal	8-1-2014
461-190-0211	3-5-2014	Amend(T)	4-1-2014	571-001-0005	6-30-2014	Repeal	8-1-2014
461-190-0211	7-1-2014	Amend	8-1-2014	571-001-0010	6-30-2014	Repeal	8-1-2014
461-190-0211(T)	7-1-2014	Repeal	8-1-2014	571-001-0015	6-30-2014	Repeal	8-1-2014
461-195-0301	1-1-2014	Amend	2-1-2014	571-001-0020	6-30-2014	Repeal	8-1-2014
461-195-0310	1-1-2014	Amend	2-1-2014	571-001-0025	6-30-2014	Repeal	8-1-2014
461-195-0501	4-1-2014	Amend	5-1-2014	571-001-0030	6-30-2014	Repeal	8-1-2014
461-195-0501(T)	4-1-2014	Repeal	5-1-2014	571-001-0035	6-30-2014	Repeal	8-1-2014
461-195-0521	4-1-2014	Amend	5-1-2014	571-001-0040	6-30-2014	Repeal	8-1-2014
461-195-0521(T)	4-1-2014	Repeal	5-1-2014	571-001-0045	6-30-2014	Repeal	8-1-2014
461-195-0541	4-1-2014	Amend	5-1-2014	571-001-0050	6-30-2014	Repeal	8-1-2014
461-195-0541(T)	4-1-2014	Repeal	5-1-2014	571-002-0000	6-30-2014	Repeal	8-1-2014
461-195-0551	1-1-2014	Amend	2-1-2014	571-002-0005	6-30-2014	Repeal	8-1-2014
461-195-0561	4-1-2014	Amend	5-1-2014	571-002-0010	6-30-2014	Repeal	8-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
571-022-0080	6-30-2014	Repeal	8-1-2014	573-076-0060	6-4-2014	Amend	7-1-2014
571-022-0100	6-30-2014	Repeal	8-1-2014	573-076-0070	6-4-2014	Amend	7-1-2014
571-022-0105	6-30-2014	Repeal	8-1-2014	573-076-0080	6-4-2014	Amend	7-1-2014
571-023-0000	6-30-2014	Repeal	8-1-2014	573-076-0110	6-4-2014	Amend	7-1-2014
571-023-0005	6-30-2014	Repeal	8-1-2014	573-076-0120	6-4-2014	Amend	7-1-2014
571-023-0025	6-30-2014	Repeal	8-1-2014	573-076-0130	6-4-2014	Amend	7-1-2014
571-023-0100	6-30-2014	Repeal	8-1-2014	574-050-0005	1-28-2014	Amend	3-1-2014
571-023-0105	6-30-2014	Repeal	8-1-2014	574-050-0005	8-5-2014	Amend	9-1-2014
571-023-0110	6-30-2014	Repeal	8-1-2014	576-001-0005	6-30-2014	Repeal	8-1-2014
571-023-0115	6-30-2014	Repeal	8-1-2014	576-001-0010	6-30-2014	Repeal	8-1-2014
571-023-0120	6-30-2014	Repeal	8-1-2014	576-001-0015	6-30-2014	Repeal	8-1-2014
571-024-0005	6-30-2014	Repeal	8-1-2014	576-001-0020	6-30-2014	Repeal	8-1-2014
571-030-0005	6-30-2014	Repeal	8-1-2014	576-001-0030	6-30-2014	Repeal	8-1-2014
571-030-0010	6-30-2014	Repeal	8-1-2014	576-001-0040	6-30-2014	Repeal	8-1-2014
571-030-0015	6-30-2014	Repeal	8-1-2014	576-001-0045	6-30-2014	Repeal	8-1-2014
571-030-0020	6-30-2014	Repeal	8-1-2014	576-001-0050	6-30-2014	Repeal	8-1-2014
571-030-0025	6-30-2014	Repeal	8-1-2014	576-001-0055	6-30-2014	Repeal	8-1-2014
571-030-0030	6-30-2014	Repeal	8-1-2014	576-001-0060	6-30-2014	Repeal	8-1-2014
571-030-0035	6-30-2014	Repeal	8-1-2014	576-002-0000	6-30-2014	Repeal	8-1-2014
571-030-0040	6-30-2014	Repeal	8-1-2014	576-002-0015	6-30-2014	Repeal	8-1-2014
571-030-0045	6-30-2014	Repeal	8-1-2014	576-002-0017	6-30-2014	Repeal	8-1-2014
571-030-0050	6-30-2014	Repeal	8-1-2014	576-002-0030	6-30-2014	Repeal	8-1-2014
571-050-0005	6-30-2014	Repeal	8-1-2014	576-002-0035	6-30-2014	Repeal	8-1-2014
571-050-0011	6-30-2014	Repeal	8-1-2014	576-002-0060	6-30-2014	Repeal	8-1-2014
571-050-0020	6-30-2014	Repeal	8-1-2014	576-002-0070	6-30-2014	Repeal	8-1-2014
571-050-0025	6-30-2014	Repeal	8-1-2014	576-003-0000	6-30-2014	Repeal	8-1-2014
571-050-0030	6-30-2014	Repeal	8-1-2014	576-003-0005	6-30-2014	Repeal	8-1-2014
571-050-0035	6-30-2014	Repeal	8-1-2014	576-003-0010	6-30-2014	Repeal	8-1-2014
571-051-0005	6-30-2014	Repeal	8-1-2014	576-003-0020	6-30-2014	Repeal	8-1-2014
571-051-0010	6-30-2014	Repeal	8-1-2014	576-003-0040	6-30-2014	Repeal	8-1-2014
571-060-0005	6-30-2014	Repeal	8-1-2014	576-003-0050	6-30-2014	Repeal	8-1-2014
571-060-0010	6-30-2014	Repeal	8-1-2014	576-003-0060	6-30-2014	Repeal	8-1-2014
571-060-0015	6-30-2014	Repeal	8-1-2014	576-003-0070	6-30-2014	Repeal	8-1-2014
571-060-0020	6-30-2014	Repeal	8-1-2014	576-003-0080	6-30-2014	Repeal	8-1-2014
571-060-0025	6-30-2014	Repeal	8-1-2014	576-003-0090	6-30-2014	Repeal	8-1-2014
571-060-0040	6-30-2014	Repeal	8-1-2014	576-003-0100	6-30-2014	Repeal	8-1-2014
571-100-0000	6-30-2014	Repeal	8-1-2014	576-003-0110	6-30-2014	Repeal	8-1-2014
571-100-0010	6-30-2014	Repeal	8-1-2014	576-003-0120	6-30-2014	Repeal	8-1-2014
571-100-0020	6-30-2014	Repeal	8-1-2014	576-004-0000	6-30-2014	Repeal	8-1-2014
571-100-0030	6-30-2014	Repeal	8-1-2014	576-004-0005	6-30-2014	Repeal	8-1-2014
571-100-0040	6-30-2014	Repeal	8-1-2014	576-004-0015	6-30-2014	Repeal	8-1-2014
571-100-0050	6-30-2014	Repeal	8-1-2014	576-004-0020	6-30-2014	Repeal	8-1-2014
571-100-0060	6-30-2014	Repeal	8-1-2014	576-005-0005	2-11-2014	Amend(T)	3-1-2014
571-100-0070	6-30-2014	Repeal	8-1-2014	576-005-0005	6-30-2014	Repeal	8-1-2014
571-100-0080	6-30-2014	Repeal	8-1-2014	576-005-0010	2-11-2014	Amend(T)	3-1-2014
571-100-0090	6-30-2014	Repeal	8-1-2014	576-005-0010	6-30-2014	Repeal	8-1-2014
571-100-0100	6-30-2014	Repeal	8-1-2014	576-005-0015	6-30-2014	Repeal	8-1-2014
571-100-0110	6-30-2014	Repeal	8-1-2014	576-005-0020	2-11-2014	Amend(T)	3-1-2014
571-100-0120	6-30-2014	Repeal	8-1-2014	576-005-0020	6-30-2014	Repeal	8-1-2014
571-100-0130	6-30-2014	Repeal	8-1-2014	576-005-0025	2-11-2014	Amend(T)	3-1-2014
571-100-0140	6-30-2014	Repeal	8-1-2014	576-005-0025	6-30-2014	Repeal	8-1-2014
571-100-0150	6-30-2014	Repeal	8-1-2014	576-005-0030	6-30-2014	Repeal	8-1-2014
571-100-0160	6-30-2014	Repeal	8-1-2014	576-005-0032	2-11-2014	Amend(T)	3-1-2014
573-040-0005	5-12-2014	Amend	6-1-2014	576-005-0032	6-30-2014	Repeal	8-1-2014
573-050-0025	7-2-2014	Amend	8-1-2014	576-005-0041	2-11-2014	Amend(T)	3-1-2014
573-076-0050	6-4-2014	Amend	7-1-2014	576-005-0041	6-30-2014	Repeal	8-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
576-010-0000	12-18-2013	Amend	2-1-2014	576-022-0005	6-30-2014	Repeal	8-1-2014
576-010-0000	4-9-2014	Amend(T)	4-1-2014	576-022-0010	6-30-2014	Repeal	8-1-2014
576-010-0000	6-30-2014	Repeal	8-1-2014	576-022-0020	6-30-2014	Repeal	8-1-2014
576-010-0006	6-30-2014	Repeal	8-1-2014	576-022-0025	6-30-2014	Repeal	8-1-2014
576-010-0011	6-30-2014	Repeal	8-1-2014	576-022-0030	6-30-2014	Repeal	8-1-2014
576-010-0021	6-30-2014	Repeal	8-1-2014	576-022-0035	6-30-2014	Repeal	8-1-2014
576-010-0031	6-30-2014	Repeal	8-1-2014	576-022-0045	6-30-2014	Repeal	8-1-2014
576-010-0036	6-30-2014	Repeal	8-1-2014	576-022-0050	6-30-2014	Repeal	8-1-2014
576-010-0041	6-30-2014	Repeal	8-1-2014	576-023-0005	6-30-2014	Repeal	8-1-2014
576-012-0000	6-30-2014	Repeal	8-1-2014	576-023-0010	6-30-2014	Repeal	8-1-2014
576-015-0005	6-30-2014	Repeal	8-1-2014	576-023-0015	6-30-2014	Repeal	8-1-2014
576-015-0010	6-30-2014	Repeal	8-1-2014	576-023-0020	6-30-2014	Repeal	8-1-2014
576-015-0020	6-30-2014	Repeal	8-1-2014	576-023-0025	6-30-2014	Repeal	8-1-2014
576-015-0021	6-30-2014	Repeal	8-1-2014	576-023-0030	6-30-2014	Repeal	8-1-2014
576-015-0025	6-30-2014	Repeal	8-1-2014	576-023-0035	6-30-2014	Repeal	8-1-2014
576-015-0030	6-30-2014	Repeal	8-1-2014	576-023-0040	6-30-2014	Repeal	8-1-2014
576-015-0035	6-30-2014	Repeal	8-1-2014	576-024-0000	6-30-2014	Repeal	8-1-2014
576-015-0040	6-30-2014	Repeal	8-1-2014	576-025-0005	6-30-2014	Repeal	8-1-2014
576-015-0043	3-6-2014	Amend(T)	4-1-2014	576-025-0020	6-30-2014	Repeal	8-1-2014
576-015-0043	4-16-2014	Amend(T)	5-1-2014	576-030-0005	6-30-2014	Repeal	8-1-2014
576-015-0043	6-30-2014	Repeal	8-1-2014	576-030-0010	6-30-2014	Repeal	8-1-2014
576-015-0045	3-6-2014	Amend(T)	4-1-2014	576-030-0015	6-30-2014	Repeal	8-1-2014
576-015-0045	6-30-2014	Repeal	8-1-2014	576-030-0020	6-30-2014	Repeal	8-1-2014
576-015-0050	3-6-2014	Amend(T)	4-1-2014	576-030-0025	6-30-2014	Repeal	8-1-2014
576-015-0050	4-16-2014	Amend(T)	5-1-2014	576-030-0035	6-30-2014	Repeal	8-1-2014
576-015-0050	6-30-2014	Repeal	8-1-2014	576-030-0040	6-30-2014	Repeal	8-1-2014
576-015-0052	3-6-2014	Adopt(T)	4-1-2014	576-030-0045	6-30-2014	Repeal	8-1-2014
576-015-0052	6-30-2014	Repeal	8-1-2014	576-030-0050	6-30-2014	Repeal	8-1-2014
576-015-0055	6-30-2014	Repeal	8-1-2014	576-030-0055	6-30-2014	Repeal	8-1-2014
576-015-0056	3-6-2014	Amend(T)	4-1-2014	576-030-0060	6-30-2014	Repeal	8-1-2014
576-015-0056	6-30-2014	Repeal	8-1-2014	576-030-0070	6-30-2014	Repeal	8-1-2014
576-015-0057	6-30-2014	Repeal	8-1-2014	576-030-0090	6-30-2014	Repeal	8-1-2014
576-015-0060	3-6-2014	Amend(T)	4-1-2014	576-035-0000	6-30-2014	Repeal	8-1-2014
576-015-0060	6-30-2014	Repeal	8-1-2014	576-035-0010	6-30-2014	Repeal	8-1-2014
576-016-0000	6-30-2014	Repeal	8-1-2014	576-035-0020	6-30-2014	Repeal	8-1-2014
576-016-0010	6-30-2014	Repeal	8-1-2014	576-035-0030	6-30-2014	Repeal	8-1-2014
576-016-0020	6-30-2014	Repeal	8-1-2014	576-040-0010	6-30-2014	Repeal	8-1-2014
576-016-0030	6-30-2014	Repeal	8-1-2014	576-040-0012	6-30-2014	Repeal	8-1-2014
576-016-0040	6-30-2014	Repeal	8-1-2014	576-040-0015	6-30-2014	Repeal	8-1-2014
576-016-0050	6-30-2014	Repeal	8-1-2014	576-045-0000	6-30-2014	Repeal	8-1-2014
576-016-0060	6-30-2014	Repeal	8-1-2014	576-045-0010	6-30-2014	Repeal	8-1-2014
576-017-0005	6-30-2014	Repeal	8-1-2014	576-045-0020	6-30-2014	Repeal	8-1-2014
576-020-0005	6-30-2014	Repeal	8-1-2014	576-045-0030	6-30-2014	Repeal	8-1-2014
576-020-0010	4-16-2014	Amend(T)	5-1-2014	576-050-0010	6-30-2014	Repeal	8-1-2014
576-020-0010	6-30-2014	Repeal	8-1-2014	576-050-0015	6-30-2014	Repeal	8-1-2014
576-020-0015	6-30-2014	Repeal	8-1-2014	576-050-0020	6-30-2014	Repeal	8-1-2014
576-020-0020	6-30-2014	Repeal	8-1-2014	576-050-0025	6-30-2014	Repeal	8-1-2014
576-020-0025	6-30-2014	Repeal	8-1-2014	576-050-0030	6-30-2014	Repeal	8-1-2014
576-020-0030	6-30-2014	Repeal	8-1-2014	576-050-0035	6-30-2014	Repeal	8-1-2014
576-020-0035	6-30-2014	Repeal	8-1-2014	576-050-0045	6-30-2014	Repeal	8-1-2014
576-020-0040	6-30-2014	Repeal	8-1-2014	576-050-0050	6-30-2014	Repeal	8-1-2014
576-020-0045	6-30-2014	Repeal	8-1-2014	576-050-0055	6-30-2014	Repeal	8-1-2014
576-020-0050	6-30-2014	Repeal	8-1-2014	576-055-0000	6-30-2014	Repeal	8-1-2014
576-020-0055	6-30-2014	Repeal	8-1-2014	576-055-0010	6-30-2014	Repeal	8-1-2014
576-020-0060	6-30-2014	Repeal	8-1-2014	576-055-0020	6-30-2014	Repeal	8-1-2014
576-020-0065	6-30-2014	Repeal	8-1-2014	576-055-0030	6-30-2014	Repeal	8-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
576-055-0040	6-30-2014	Repeal	8-1-2014	577-060-0020	6-23-2014	Amend	8-1-2014
576-055-0050	6-30-2014	Repeal	8-1-2014	578-041-0030	9-15-2014	Amend	8-1-2014
576-055-0060	6-30-2014	Repeal	8-1-2014	578-041-0040	9-15-2014	Amend	8-1-2014
576-055-0070	6-30-2014	Repeal	8-1-2014	578-072-0020	9-15-2014	Amend	8-1-2014
576-055-0080	6-30-2014	Repeal	8-1-2014	578-072-0030	9-15-2014	Amend	8-1-2014
576-055-0090	6-30-2014	Repeal	8-1-2014	578-072-0040	9-15-2014	Amend	8-1-2014
576-055-0100	6-30-2014	Repeal	8-1-2014	578-072-0050	9-15-2014	Amend	8-1-2014
576-055-0110	6-30-2014	Repeal	8-1-2014	578-072-0060	9-15-2014	Amend	8-1-2014
576-055-0120	6-30-2014	Repeal	8-1-2014	578-072-0070	9-15-2014	Amend	8-1-2014
576-055-0130	6-30-2014	Repeal	8-1-2014	578-072-0080	9-15-2014	Amend	8-1-2014
576-055-0140	6-30-2014	Repeal	8-1-2014	579-020-0006	5-8-2014	Amend	6-1-2014
576-055-0150	6-30-2014	Repeal	8-1-2014	579-040-0005	12-6-2013	Amend	1-1-2014
576-055-0160	6-30-2014	Repeal	8-1-2014	579-040-0007	12-6-2013	Amend	1-1-2014
576-056-0000	6-30-2014	Repeal	8-1-2014	579-040-0010	12-6-2013	Amend	1-1-2014
576-056-0010	6-30-2014	Repeal	8-1-2014	579-040-0013	12-6-2013	Amend	1-1-2014
576-056-0020	6-30-2014	Repeal	8-1-2014	579-040-0015	12-6-2013	Amend	1-1-2014
576-056-0030	6-30-2014	Repeal	8-1-2014	579-040-0020	12-6-2013	Repeal	1-1-2014
576-056-0040	6-30-2014	Repeal	8-1-2014	579-040-0030	12-6-2013	Amend	1-1-2014
576-056-0050	6-30-2014	Repeal	8-1-2014	579-040-0035	12-6-2013	Amend	1-1-2014
576-056-0060	6-30-2014	Repeal	8-1-2014	579-040-0045	12-6-2013	Amend	1-1-2014
576-056-0070	6-30-2014	Repeal	8-1-2014	579-070-0010	12-6-2013	Amend	1-1-2014
576-056-0080	6-30-2014	Repeal	8-1-2014	579-070-0030	12-6-2013	Amend	1-1-2014
576-056-0090	6-30-2014	Repeal	8-1-2014	579-070-0035	12-6-2013	Amend	1-1-2014
576-056-0100	6-30-2014	Repeal	8-1-2014	579-070-0041	12-6-2013	Amend	1-1-2014
576-056-0110	6-30-2014	Repeal	8-1-2014	579-070-0042	12-6-2013	Amend	1-1-2014
576-056-0120	6-30-2014	Repeal	8-1-2014	579-070-0045	12-6-2013	Amend	1-1-2014
576-056-0130	6-30-2014	Repeal	8-1-2014	580-021-0030	11-20-2013	Amend(T)	1-1-2014
576-060-0010	6-30-2014	Repeal	8-1-2014	580-021-0030	3-21-2014	Amend	5-1-2014
576-060-0015	6-30-2014	Repeal	8-1-2014	580-040-0040	6-13-2014	Amend	7-1-2014
576-060-0020	6-30-2014	Repeal	8-1-2014	581-002-0200	6-27-2014	Adopt	8-1-2014
576-060-0025	6-30-2014	Repeal	8-1-2014	581-015-2000	12-18-2013	Amend	2-1-2014
576-060-0031	6-30-2014	Repeal	8-1-2014	581-015-2245	12-18-2013	Amend	2-1-2014
576-060-0035	6-30-2014	Repeal	8-1-2014	581-015-2540	12-18-2013	Amend	2-1-2014
576-060-0037	6-30-2014	Repeal	8-1-2014	581-015-2550	12-18-2013	Amend	2-1-2014
576-060-0038	6-30-2014	Repeal	8-1-2014	581-015-2555	12-18-2013	Amend	2-1-2014
576-060-0039	6-30-2014	Repeal	8-1-2014	581-015-2571	6-27-2014	Amend	8-1-2014
576-060-0040	6-30-2014	Repeal	8-1-2014	581-015-2572	6-3-2014	Amend	7-1-2014
576-065-0000	6-30-2014	Repeal	8-1-2014	581-015-2574	6-27-2014	Amend	8-1-2014
576-065-0010	6-30-2014	Repeal	8-1-2014	581-015-2930	12-18-2013	Adopt	2-1-2014
576-065-0020	6-30-2014	Repeal	8-1-2014	581-017-0005	12-18-2013	Adopt	2-1-2014
576-080-0005	6-30-2014	Repeal	8-1-2014	581-017-0010	12-18-2013	Adopt	2-1-2014
576-080-0010	6-30-2014	Repeal	8-1-2014	581-017-0020	12-18-2013	Adopt	2-1-2014
576-080-0015	6-30-2014	Repeal	8-1-2014	581-017-0100	12-18-2013	Adopt	2-1-2014
576-080-0020	6-30-2014	Repeal	8-1-2014	581-017-0105	12-18-2013	Adopt	2-1-2014
576-080-0025	6-30-2014	Repeal	8-1-2014	581-017-0110	12-18-2013	Adopt	2-1-2014
576-080-0030	6-30-2014	Repeal	8-1-2014	581-017-0115	12-18-2013	Adopt	2-1-2014
576-080-0035	6-30-2014	Repeal	8-1-2014	581-017-0200	2-19-2014	Adopt	4-1-2014
576-080-0040	6-30-2014	Repeal	8-1-2014	581-017-0205	2-19-2014	Adopt	4-1-2014
576-080-0045	6-30-2014	Repeal	8-1-2014	581-017-0210	2-19-2014	Adopt	4-1-2014
577-050-0005	6-23-2014	Amend	8-1-2014	581-017-0215	2-19-2014	Adopt	4-1-2014
577-050-0010	6-23-2014	Amend	8-1-2014	581-017-0220	2-19-2014	Adopt	4-1-2014
577-050-0030	6-23-2014	Adopt	8-1-2014	581-017-0300	11-22-2013	Adopt(T)	1-1-2014
577-050-0040	6-23-2014	Adopt	8-1-2014	581-017-0301	6-24-2014	Adopt	8-1-2014
577-050-0050	6-23-2014	Adopt	8-1-2014	581-017-0305	11-22-2013	Adopt(T)	1-1-2014
577-050-0060	6-23-2014	Adopt	8-1-2014	581-017-0306	6-24-2014	Adopt	8-1-2014
577-050-0070	6-23-2014	Adopt	8-1-2014	581-017-0308	11-22-2013	Adopt(T)	1-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
581-017-0309	6-24-2014	Adopt	8-1-2014	581-018-0270	12-18-2013	Adopt	2-1-2014
581-017-0311	11-22-2013	Adopt(T)	1-1-2014	581-018-0275	12-18-2013	Adopt	2-1-2014
581-017-0312	6-24-2014	Adopt	8-1-2014	581-018-0300	2-19-2014	Adopt	4-1-2014
581-017-0314	11-22-2013	Adopt(T)	1-1-2014	581-018-0305	2-19-2014	Adopt	4-1-2014
581-017-0315	6-24-2014	Adopt	8-1-2014	581-018-0310	2-19-2014	Adopt	4-1-2014
581-017-0317	11-22-2013	Adopt(T)	1-1-2014	581-018-0315	2-19-2014	Adopt	4-1-2014
581-017-0318	6-24-2014	Adopt	8-1-2014	581-018-0320	2-19-2014	Adopt	4-1-2014
581-017-0320	11-22-2013	Adopt(T)	1-1-2014	581-018-0325	2-19-2014	Adopt	4-1-2014
581-017-0321	6-24-2014	Adopt	8-1-2014	581-018-0327	2-19-2014	Adopt(T)	4-1-2014
581-017-0323	11-22-2013	Adopt(T)	1-1-2014	581-018-0327	6-24-2014	Adopt	8-1-2014
581-017-0324	6-24-2014	Adopt	8-1-2014	581-018-0330	2-19-2014	Adopt(T)	4-1-2014
581-017-0326	11-22-2013	Adopt(T)	1-1-2014	581-018-0330	6-24-2014	Adopt	8-1-2014
581-017-0327	6-24-2014	Adopt	8-1-2014	581-018-0333	2-19-2014	Adopt(T)	4-1-2014
581-017-0329	11-22-2013	Adopt(T)	1-1-2014	581-018-0333	6-24-2014	Adopt	8-1-2014
581-017-0330	6-24-2014	Adopt	8-1-2014	581-018-0336	2-19-2014	Adopt(T)	4-1-2014
581-017-0332	11-22-2013	Adopt(T)	1-1-2014	581-018-0336	6-24-2014	Adopt	8-1-2014
581-017-0333	6-24-2014	Adopt	8-1-2014	581-018-0380	11-22-2013	Adopt(T)	1-1-2014
581-017-0335	2-19-2014	Adopt(T)	4-1-2014	581-018-0381	6-24-2014	Adopt	8-1-2014
581-017-0335	6-24-2014	Adopt	8-1-2014	581-018-0385	11-22-2013	Adopt(T)	1-1-2014
581-017-0338	2-19-2014	Adopt(T)	4-1-2014	581-018-0386	6-24-2014	Adopt	8-1-2014
581-017-0338	6-24-2014	Adopt	8-1-2014	581-018-0390	11-22-2013	Adopt(T)	1-1-2014
581-017-0341	2-19-2014	Adopt(T)	4-1-2014	581-018-0391	6-24-2014	Adopt	8-1-2014
581-017-0341	6-24-2014	Adopt	8-1-2014	581-018-0394	6-24-2014	Adopt	8-1-2014
581-017-0344	2-19-2014	Adopt(T)	4-1-2014	581-018-0395	11-22-2013	Adopt(T)	1-1-2014
581-017-0344	6-24-2014	Adopt	8-1-2014	581-018-0396	6-24-2014	Adopt	8-1-2014
581-017-0347	2-19-2014	Adopt(T)	4-1-2014	581-018-0397	11-22-2013	Adopt(T)	1-1-2014
581-017-0347	6-24-2014	Adopt	8-1-2014	581-018-0398	6-24-2014	Adopt	8-1-2014
581-017-0350	2-19-2014	Adopt(T)	4-1-2014	581-018-0399	11-22-2013	Adopt(T)	1-1-2014
581-017-0350	6-24-2014	Adopt	8-1-2014	581-018-0400	11-22-2013	Adopt(T)	1-1-2014
581-017-0353	2-19-2014	Adopt(T)	4-1-2014	581-018-0401	6-24-2014	Adopt	8-1-2014
581-017-0353	6-24-2014	Adopt	8-1-2014	581-018-0405	11-22-2013	Adopt(T)	1-1-2014
581-017-0356	2-19-2014	Adopt(T)	4-1-2014	581-018-0406	6-24-2014	Adopt	8-1-2014
581-017-0356	6-24-2014	Adopt	8-1-2014	581-018-0410	11-22-2013	Adopt(T)	1-1-2014
581-017-0359	2-19-2014	Adopt(T)	4-1-2014	581-018-0411	6-24-2014	Adopt	8-1-2014
581-017-0359	6-24-2014	Adopt	8-1-2014	581-018-0415	11-22-2013	Adopt(T)	1-1-2014
581-017-0362	2-19-2014	Adopt(T)	4-1-2014	581-018-0416	6-24-2014	Adopt	8-1-2014
581-017-0362	6-24-2014	Adopt	8-1-2014	581-018-0420	11-22-2013	Adopt(T)	1-1-2014
581-018-0005	12-18-2013	Adopt	2-1-2014	581-018-0421	6-24-2014	Adopt	8-1-2014
581-018-0010	12-18-2013	Adopt	2-1-2014	581-018-0424	11-22-2013	Adopt(T)	1-1-2014
581-018-0020	12-18-2013	Adopt	2-1-2014	581-018-0425	6-24-2014	Adopt	8-1-2014
581-018-0100	12-18-2013	Adopt	2-1-2014	581-018-0430	12-18-2013	Adopt(T)	2-1-2014
581-018-0105	12-18-2013	Adopt	2-1-2014	581-018-0431	6-24-2014	Adopt	8-1-2014
581-018-0110	12-18-2013	Adopt	2-1-2014	581-018-0433	12-18-2013	Adopt(T)	2-1-2014
581-018-0115	12-18-2013	Adopt	2-1-2014	581-018-0434	6-24-2014	Adopt	8-1-2014
581-018-0120	12-18-2013	Adopt	2-1-2014	581-018-0436	12-18-2013	Adopt(T)	2-1-2014
581-018-0125	12-18-2013	Adopt	2-1-2014	581-018-0437	6-24-2014	Adopt	8-1-2014
581-018-0200	12-18-2013	Adopt	2-1-2014	581-018-0439	12-18-2013	Adopt(T)	2-1-2014
581-018-0205	12-18-2013	Adopt	2-1-2014	581-018-0440	6-24-2014	Adopt	8-1-2014
581-018-0210	12-18-2013	Adopt	2-1-2014	581-018-0442	12-18-2013	Adopt(T)	2-1-2014
581-018-0215	12-18-2013	Adopt	2-1-2014	581-018-0443	6-24-2014	Adopt	8-1-2014
581-018-0220	12-18-2013	Adopt	2-1-2014	581-018-0500	2-19-2014	Adopt(T)	4-1-2014
581-018-0225	12-18-2013	Adopt	2-1-2014	581-018-0500	6-24-2014	Adopt	8-1-2014
581-018-0250	12-18-2013	Adopt	2-1-2014	581-018-0503	2-19-2014	Adopt(T)	4-1-2014
581-018-0255	12-18-2013	Adopt	2-1-2014	581-018-0503	6-24-2014	Adopt	8-1-2014
581-018-0260	12-18-2013	Adopt	2-1-2014	581-018-0506	2-19-2014	Adopt(T)	4-1-2014
581-018-0265	12-18-2013	Adopt	2-1-2014	581-018-0506	6-24-2014	Adopt	8-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
581-018-0509	2-19-2014	Adopt(T)	4-1-2014	581-020-0336	2-19-2014	Am. & Ren.	4-1-2014
581-018-0509	6-24-2014	Adopt	8-1-2014	581-020-0338	2-19-2014	Am. & Ren.	4-1-2014
581-018-0512	2-19-2014	Adopt(T)	4-1-2014	581-020-0341	2-19-2014	Repeal	4-1-2014
581-018-0512	6-24-2014	Adopt	8-1-2014	581-020-0342	2-19-2014	Am. & Ren.	4-1-2014
581-018-0515	2-19-2014	Adopt(T)	4-1-2014	581-020-0343	2-19-2014	Am. & Ren.	4-1-2014
581-018-0515	6-24-2014	Adopt	8-1-2014	581-020-0345	2-19-2014	Repeal	4-1-2014
581-018-0520	3-28-2014	Adopt(T)	5-1-2014	581-020-0359	12-18-2013	Amend	2-1-2014
581-018-0520	6-24-2014	Adopt	8-1-2014	581-020-0359	2-19-2014	Am. & Ren.	4-1-2014
581-018-0523	3-28-2014	Adopt(T)	5-1-2014	581-020-0361	2-19-2014	Am. & Ren.	4-1-2014
581-018-0523	6-24-2014	Adopt	8-1-2014	581-020-0380	2-19-2014	Am. & Ren.	4-1-2014
581-018-0526	3-28-2014	Adopt(T)	5-1-2014	581-020-0385	2-19-2014	Am. & Ren.	4-1-2014
581-018-0526	6-24-2014	Adopt	8-1-2014	581-020-0390	2-19-2014	Am. & Ren.	4-1-2014
581-018-0529	3-28-2014	Adopt(T)	5-1-2014	581-020-0395	2-19-2014	Am. & Ren.	4-1-2014
581-018-0529	6-24-2014	Adopt	8-1-2014	581-021-0019	7-1-2014	Amend	8-1-2014
581-018-0532	3-28-2014	Adopt(T)	5-1-2014	581-021-0031	3-12-2014	Adopt(T)	4-1-2014
581-018-0532	6-24-2014	Adopt	8-1-2014	581-021-0031	6-3-2014	Adopt	7-1-2014
581-018-0535	3-28-2014	Adopt(T)	5-1-2014	581-021-0037	6-3-2014	Amend	7-1-2014
581-018-0535	6-24-2014	Adopt	8-1-2014	581-021-0500	2-19-2014	Amend	4-1-2014
581-018-0540	2-19-2014	Adopt(T)	4-1-2014	581-021-0550	2-19-2014	Amend	4-1-2014
581-018-0540	3-4-2014	Adopt(T)	4-1-2014	581-021-0550	3-4-2014	Amend	4-1-2014
581-018-0540	6-24-2014	Adopt	8-1-2014	581-021-0553	2-19-2014	Amend	4-1-2014
581-018-0543	2-19-2014	Adopt(T)	4-1-2014	581-021-0553	3-4-2014	Amend	4-1-2014
581-018-0543	3-4-2014	Adopt(T)	4-1-2014	581-021-0556	2-19-2014	Amend	4-1-2014
581-018-0543	6-24-2014	Adopt	8-1-2014	581-021-0556	3-4-2014	Amend	4-1-2014
581-018-0546	2-19-2014	Adopt(T)	4-1-2014	581-021-0559	2-19-2014	Amend	4-1-2014
581-018-0546	3-4-2014	Adopt(T)	4-1-2014	581-021-0559	3-4-2014	Amend	4-1-2014
581-018-0546	6-24-2014	Adopt	8-1-2014	581-021-0563	2-19-2014	Amend	4-1-2014
581-018-0549	2-19-2014	Adopt(T)	4-1-2014	581-021-0563	3-4-2014	Amend	4-1-2014
581-018-0549	3-4-2014	Adopt(T)	4-1-2014	581-021-0566	2-19-2014	Amend	4-1-2014
581-018-0549	6-24-2014	Adopt	8-1-2014	581-021-0566	3-4-2014	Amend	4-1-2014
581-018-0552	2-19-2014	Adopt(T)	4-1-2014	581-021-0568	2-19-2014	Adopt	4-1-2014
581-018-0552	3-4-2014	Adopt(T)	4-1-2014	581-021-0568	3-4-2014	Amend	4-1-2014
581-018-0552	6-24-2014	Adopt	8-1-2014	581-021-0569	2-19-2014	Adopt	4-1-2014
581-018-0553	2-19-2014	Adopt(T)	4-1-2014	581-021-0569	3-4-2014	Amend	4-1-2014
581-018-0553	3-4-2014	Adopt(T)	4-1-2014	581-021-0570	2-19-2014	Adopt	4-1-2014
581-018-0553	6-24-2014	Adopt	8-1-2014	581-021-0570	3-4-2014	Amend	4-1-2014
581-018-0556	2-19-2014	Adopt(T)	4-1-2014	581-022-0606	12-18-2013	Amend	2-1-2014
581-018-0556	3-4-2014	Adopt(T)	4-1-2014	581-022-0610	6-24-2014	Amend	8-1-2014
581-018-0556	6-24-2014	Adopt	8-1-2014	581-023-0015	12-18-2013	Amend	2-1-2014
581-018-0575	3-28-2014	Adopt(T)	5-1-2014	581-023-0102	7-1-2014	Adopt	4-1-2014
581-018-0575	6-24-2014	Adopt	8-1-2014	581-026-0005	2-19-2014	Adopt	4-1-2014
581-018-0578	3-28-2014	Adopt(T)	5-1-2014	581-026-0055	2-19-2014	Adopt	4-1-2014
581-018-0578	6-24-2014	Adopt	8-1-2014	581-026-0060	2-19-2014	Adopt	4-1-2014
581-018-0581	3-28-2014	Adopt(T)	5-1-2014	581-026-0110	2-19-2014	Adopt	4-1-2014
581-018-0581	6-24-2014	Adopt	8-1-2014	581-026-0125	2-19-2014	Adopt	4-1-2014
581-018-0584	3-28-2014	Adopt(T)	5-1-2014	581-026-0130	2-19-2014	Adopt	4-1-2014
581-018-0584	6-24-2014	Adopt	8-1-2014	581-045-0001	4-23-2014	Am. & Ren.	6-1-2014
581-018-0587	3-28-2014	Adopt(T)	5-1-2014	581-045-0003	4-23-2014	Am. & Ren.	6-1-2014
581-018-0587	6-24-2014	Adopt	8-1-2014	581-045-0006	4-23-2014	Am. & Ren.	6-1-2014
581-018-0590	3-28-2014	Adopt(T)	5-1-2014	581-045-0007	4-23-2014	Am. & Ren.	6-1-2014
581-018-0590	6-24-2014	Adopt	8-1-2014	581-045-0008	4-23-2014	Am. & Ren.	6-1-2014
581-020-0301	2-19-2014	Am. & Ren.	4-1-2014	581-045-0009	4-23-2014	Am. & Ren.	6-1-2014
581-020-0311	2-19-2014	Am. & Ren.	4-1-2014	581-045-0012	4-23-2014	Am. & Ren.	6-1-2014
581-020-0321	2-19-2014	Am. & Ren.	4-1-2014	581-045-0013	4-23-2014	Am. & Ren.	6-1-2014
581-020-0331	2-19-2014	Am. & Ren.	4-1-2014	581-045-0014	4-23-2014	Am. & Ren.	6-1-2014
581-020-0334	2-19-2014	Am. & Ren.	4-1-2014	581-045-0018	4-23-2014	Am. & Ren.	6-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
581-045-0019	4-23-2014	Am. & Ren.	6-1-2014	583-050-0026	7-16-2014	Amend(T)	9-1-2014
581-045-0022	4-23-2014	Am. & Ren.	6-1-2014	583-050-0027	7-16-2014	Amend(T)	9-1-2014
581-045-0023	4-23-2014	Am. & Ren.	6-1-2014	583-050-0028	7-16-2014	Amend(T)	9-1-2014
581-045-0029	4-23-2014	Am. & Ren.	6-1-2014	583-050-0036	7-16-2014	Amend(T)	9-1-2014
581-045-0032	4-23-2014	Am. & Ren.	6-1-2014	583-050-0040	7-16-2014	Amend(T)	9-1-2014
581-045-0033	4-23-2014	Am. & Ren.	6-1-2014	583-070-0002	7-16-2014	Amend(T)	9-1-2014
581-045-0034	4-23-2014	Am. & Ren.	6-1-2014	583-070-0011	7-16-2014	Amend(T)	9-1-2014
581-045-0036	4-23-2014	Am. & Ren.	6-1-2014	583-070-0015	7-16-2014	Amend(T)	9-1-2014
581-045-0037	4-23-2014	Am. & Ren.	6-1-2014	583-070-0020	7-16-2014	Amend(T)	9-1-2014
581-045-0038	4-23-2014	Am. & Ren.	6-1-2014	584-001-0015	8-5-2014	Repeal	9-1-2014
581-045-0039	4-23-2014	Am. & Ren.	6-1-2014	584-001-0016	8-5-2014	Adopt	9-1-2014
581-045-0060	4-23-2014	Am. & Ren.	6-1-2014	584-017-1025	8-5-2014	Amend	9-1-2014
581-045-0061	4-23-2014	Am. & Ren.	6-1-2014	584-018-0011	8-5-2014	Adopt	9-1-2014
581-045-0062	4-23-2014	Am. & Ren.	6-1-2014	584-018-0125	3-15-2014	Amend	4-1-2014
581-045-0063	4-23-2014	Am. & Ren.	6-1-2014	584-018-0305	8-5-2014	Amend	9-1-2014
581-045-0064	4-23-2014	Am. & Ren.	6-1-2014	584-020-0040	3-15-2014	Amend	4-1-2014
581-045-0065	4-23-2014	Am. & Ren.	6-1-2014	584-023-0005	3-15-2014	Amend(T)	4-1-2014
581-045-0066	4-23-2014	Am. & Ren.	6-1-2014	584-023-0005	8-5-2014	Amend	9-1-2014
581-045-0067	4-23-2014	Am. & Ren.	6-1-2014	584-023-0030	3-15-2014	Adopt(T)	4-1-2014
581-045-0068	4-23-2014	Am. & Ren.	6-1-2014	584-023-0030	8-5-2014	Adopt	9-1-2014
581-045-0190	4-23-2014	Am. & Ren.	6-1-2014	584-036-0067	8-5-2014	Repeal	9-1-2014
581-045-0200	4-23-2014	Am. & Ren.	6-1-2014	584-036-0070	3-15-2014	Amend	4-1-2014
581-045-0210	4-23-2014	Am. & Ren.	6-1-2014	584-036-0080	8-5-2014	Amend	9-1-2014
581-045-0586	2-19-2014	Amend	4-1-2014	584-050-0020	8-5-2014	Amend	9-1-2014
581-054-0007	2-19-2014	Repeal	4-1-2014	584-050-0030	3-15-2014	Amend	4-1-2014
583-001-0000	7-16-2014	Amend(T)	9-1-2014	584-050-0040	8-5-2014	Amend	9-1-2014
583-001-0005	7-16-2014	Amend(T)	9-1-2014	584-050-0060	3-15-2014	Amend	4-1-2014
583-001-0010	7-16-2014	Adopt(T)	9-1-2014	584-050-0066	3-15-2014	Amend	4-1-2014
583-030-0005	7-16-2014	Amend(T)	9-1-2014	584-060-0001	8-5-2014	Repeal	9-1-2014
583-030-0009	7-16-2014	Amend(T)	9-1-2014	584-060-0012	3-15-2014	Amend	4-1-2014
583-030-0010	7-16-2014	Amend(T)	9-1-2014	584-060-0012	8-6-2014	Amend(T)	9-1-2014
583-030-0011	7-16-2014	Amend(T)	9-1-2014	584-060-0013	3-15-2014	Amend	4-1-2014
583-030-0015	7-16-2014	Amend(T)	9-1-2014	584-060-0014	3-15-2014	Amend	4-1-2014
583-030-0016	7-16-2014	Amend(T)	9-1-2014	584-060-0022	8-5-2014	Repeal	9-1-2014
583-030-0020	7-16-2014	Amend(T)	9-1-2014	584-060-0051	3-15-2014	Amend	4-1-2014
583-030-0025	7-16-2014	Amend(T)	9-1-2014	584-060-0052	3-15-2014	Amend	4-1-2014
583-030-0030	7-16-2014	Amend(T)	9-1-2014	584-060-0062	8-5-2014	Amend	9-1-2014
583-030-0032	7-16-2014	Amend(T)	9-1-2014	584-060-0182	8-6-2014	Amend(T)	9-1-2014
583-030-0035	7-16-2014	Amend(T)	9-1-2014	584-060-0200	3-15-2014	Amend	4-1-2014
583-030-0036	7-16-2014	Amend(T)	9-1-2014	584-060-0220	8-5-2014	Amend(T)	9-1-2014
583-030-0038	7-16-2014	Amend(T)	9-1-2014	584-060-0250	8-5-2014	Amend	9-1-2014
583-030-0039	7-16-2014	Amend(T)	9-1-2014	584-060-0250	8-6-2014	Amend(T)	9-1-2014
583-030-0041	7-16-2014	Amend(T)	9-1-2014	584-060-0501	8-5-2014	Adopt	9-1-2014
583-030-0042	7-16-2014	Amend(T)	9-1-2014	584-060-0525	3-15-2014	Adopt(T)	4-1-2014
583-030-0043	7-16-2014	Amend(T)	9-1-2014	584-060-0525	8-5-2014	Adopt	9-1-2014
583-030-0044	7-16-2014	Amend(T)	9-1-2014	584-060-0530	3-15-2014	Adopt(T)	4-1-2014
583-030-0045	7-16-2014	Amend(T)	9-1-2014	584-060-0530	8-5-2014	Adopt	9-1-2014
583-030-0046	7-16-2014	Amend(T)	9-1-2014	584-066-0015	3-15-2014	Adopt	4-1-2014
583-030-0049	7-16-2014	Amend(T)	9-1-2014	584-066-0020	4-8-2014	Adopt(T)	5-1-2014
583-040-0005	7-16-2014	Suspend	9-1-2014	584-066-0020	8-5-2014	Adopt	9-1-2014
583-040-0010	7-16-2014	Suspend	9-1-2014	584-070-0012	3-15-2014	Amend(T)	4-1-2014
583-040-0025	7-16-2014	Suspend	9-1-2014	584-070-0012	8-5-2014	Amend	9-1-2014
583-050-0006	7-16-2014	Amend(T)	9-1-2014	584-070-0211	3-15-2014	Amend	4-1-2014
583-050-0011	7-16-2014	Amend(T)	9-1-2014	584-070-0271	3-15-2014	Amend	4-1-2014
583-050-0014	7-16-2014	Amend(T)	9-1-2014	584-070-0271	8-5-2014	Amend	9-1-2014
583-050-0016	7-16-2014	Amend(T)	9-1-2014	584-080-0008	3-15-2014	Amend(T)	4-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
584-080-0008	8-5-2014	Amend	9-1-2014	603-054-0030	5-1-2014	Amend	6-1-2014
584-080-0012	3-15-2014	Amend	4-1-2014	603-056-0095	7-28-2014	Amend	9-1-2014
584-080-0012	8-5-2014	Amend	9-1-2014	603-057-0387	6-26-2014	Adopt(T)	8-1-2014
584-080-0022	3-15-2014	Amend	4-1-2014	603-057-0387	7-8-2014	Adopt(T)	8-1-2014
584-100-0061	3-15-2014	Amend(T)	4-1-2014	603-100-0010	2-24-2014	Amend	4-1-2014
584-100-0061	8-5-2014	Amend	9-1-2014	629-028-0002	7-1-2014	Adopt	7-1-2014
584-100-0066	3-15-2014	Amend(T)	4-1-2014	629-028-0003	7-1-2014	Adopt	7-1-2014
584-100-0066	8-5-2014	Amend	9-1-2014	629-028-0004	7-1-2014	Adopt	7-1-2014
584-100-0071	3-15-2014	Amend(T)	4-1-2014	629-028-0005	7-1-2014	Am. & Ren.	7-1-2014
584-100-0071	8-5-2014	Amend	9-1-2014	629-028-0010	7-1-2014	Amend	7-1-2014
589-002-0120	12-16-2013	Amend(T)	2-1-2014	629-028-0015	7-1-2014	Amend	7-1-2014
589-002-0120	3-20-2014	Amend	5-1-2014	629-028-0020	7-1-2014	Amend	7-1-2014
589-006-0050	3-14-2014	Amend(T)	4-1-2014	629-028-0025	7-1-2014	Amend	7-1-2014
589-006-0050	7-22-2014	Amend	9-1-2014	629-048-0001	7-11-2014	Amend	8-1-2014
589-006-0100	3-14-2014	Amend(T)	4-1-2014	629-048-0005	7-11-2014	Amend	8-1-2014
589-006-0100	7-22-2014	Amend	9-1-2014	629-048-0130	7-11-2014	Amend	8-1-2014
589-006-0150	3-14-2014	Amend(T)	4-1-2014	629-048-0200	7-11-2014	Amend	8-1-2014
589-006-0150	7-22-2014	Amend	9-1-2014	629-048-0210	7-11-2014	Amend	8-1-2014
589-006-0200	3-14-2014	Amend(T)	4-1-2014	629-048-0230	7-11-2014	Amend	8-1-2014
589-006-0200	7-22-2014	Amend	9-1-2014	629-048-0310	7-11-2014	Amend	8-1-2014
589-006-0300	3-14-2014	Amend(T)	4-1-2014	629-048-0450	7-11-2014	Amend	8-1-2014
589-006-0300	7-22-2014	Amend	9-1-2014	629-048-0500	7-11-2014	Amend	8-1-2014
589-006-0350	3-14-2014	Amend(T)	4-1-2014	629-060-0000	1-1-2014	Am. & Ren.	1-1-2014
589-006-0350	7-22-2014	Amend	9-1-2014	629-060-0005	1-1-2014	Am. & Ren.	1-1-2014
589-006-0400	3-14-2014	Amend(T)	4-1-2014	629-061-0000	1-1-2014	Am. & Ren.	1-1-2014
589-006-0400	7-22-2014	Amend	9-1-2014	629-061-0005	1-1-2014	Am. & Ren.	1-1-2014
589-007-0400	3-14-2014	Amend(T)	4-1-2014	629-061-0015	1-1-2014	Am. & Ren.	1-1-2014
589-007-0400	7-22-2014	Amend	9-1-2014	629-061-0020	1-1-2014	Am. & Ren.	1-1-2014
589-007-0500	3-14-2014	Amend(T)	4-1-2014	629-061-0025	1-1-2014	Repeal	1-1-2014
589-007-0500	7-22-2014	Amend	9-1-2014	629-061-0035	1-1-2014	Am. & Ren.	1-1-2014
589-008-0100	4-24-2014	Amend(T)	6-1-2014	629-061-0040	1-1-2014	Repeal	1-1-2014
589-008-0100	7-22-2014	Amend	9-1-2014	629-061-0045	1-1-2014	Repeal	1-1-2014
603-052-0051	7-29-2014	Amend	9-1-2014	629-061-0050	1-1-2014	Repeal	1-1-2014
603-052-0075	4-29-2014	Amend	6-1-2014	629-061-0060	1-1-2014	Am. & Ren.	1-1-2014
603-052-0120	4-29-2014	Amend	6-1-2014	629-061-0065	1-1-2014	Am. & Ren.	1-1-2014
603-052-0126	2-14-2014	Amend	3-1-2014	629-061-0075	1-1-2014	Repeal	1-1-2014
603-052-0127	2-14-2014	Amend	3-1-2014	629-165-0005	1-1-2014	Adopt	1-1-2014
603-052-0129	2-14-2014	Amend	3-1-2014	629-165-0010	1-1-2014	Adopt	1-1-2014
603-052-0150	2-14-2014	Amend	3-1-2014	629-165-0200	1-1-2014	Adopt	1-1-2014
603-052-0825	4-29-2014	Amend	6-1-2014	629-165-0210	1-1-2014	Adopt	1-1-2014
603-052-0882	7-7-2014	Amend(T)	8-1-2014	632-035-0005	4-2-2014	Amend	5-1-2014
603-052-1025	2-20-2014	Amend	4-1-2014	632-035-0010	4-2-2014	Amend	5-1-2014
603-052-1200	2-20-2014	Amend	4-1-2014	632-035-0015	4-2-2014	Amend	5-1-2014
603-052-1205	5-1-2014	Amend	6-1-2014	632-035-0016	4-2-2014	Amend	5-1-2014
603-052-1211	2-20-2014	Amend	4-1-2014	632-035-0017	4-2-2014	Amend	5-1-2014
603-052-1221	2-14-2014	Amend	3-1-2014	632-035-0020	4-2-2014	Amend	5-1-2014
603-052-1221	7-29-2014	Amend	9-1-2014	632-035-0025	4-2-2014	Amend	5-1-2014
603-052-1230	4-29-2014	Amend	6-1-2014	632-035-0030	4-2-2014	Amend	5-1-2014
603-052-1241	1-15-2014	Adopt	2-1-2014	632-035-0035	4-2-2014	Amend	5-1-2014
603-052-1245	4-29-2014	Amend	6-1-2014	632-035-0040	4-2-2014	Amend	5-1-2014
603-052-1250	4-29-2014	Amend	6-1-2014	632-035-0045	4-2-2014	Amend	5-1-2014
603-052-1320	2-14-2014	Amend	3-1-2014	632-035-0050	4-2-2014	Amend	5-1-2014
603-054-0016	5-1-2014	Amend	6-1-2014	632-035-0055	4-2-2014	Amend	5-1-2014
603-054-0017	5-1-2014	Amend	6-1-2014	632-035-0060	4-2-2014	Amend	5-1-2014
603-054-0018	5-1-2014	Amend	6-1-2014	632-037-0005	4-2-2014	Amend	5-1-2014
603-054-0024	5-1-2014	Amend	6-1-2014	632-037-0010	4-2-2014	Amend	5-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
632-037-0015	4-2-2014	Amend	5-1-2014	635-004-0375(T)	7-22-2014	Suspend	9-1-2014
632-037-0020	4-2-2014	Amend	5-1-2014	635-004-0375(T)	8-1-2014	Suspend	9-1-2014
632-037-0025	4-2-2014	Amend	5-1-2014	635-004-0505	1-1-2014	Amend(T)	1-1-2014
632-037-0030	4-2-2014	Amend	5-1-2014	635-004-0585	5-1-2014	Amend	6-1-2014
632-037-0035	4-2-2014	Amend	5-1-2014	635-005-0355	6-13-2014	Amend(T)	7-1-2014
632-037-0040	4-2-2014	Amend	5-1-2014	635-005-0420	8-15-2014	Amend	9-1-2014
632-037-0045	4-2-2014	Amend	5-1-2014	635-005-0440	8-15-2014	Amend	9-1-2014
632-037-0050	4-2-2014	Amend	5-1-2014	635-005-0465	12-1-2013	Amend(T)	1-1-2014
632-037-0055	4-2-2014	Amend	5-1-2014	635-005-0465	8-15-2014	Amend	9-1-2014
632-037-0060	4-2-2014	Amend	5-1-2014	635-005-0480	8-15-2014	Amend	9-1-2014
632-037-0075	4-2-2014	Amend	5-1-2014	635-005-0485	8-15-2014	Amend	9-1-2014
632-037-0077	4-2-2014	Amend	5-1-2014	635-005-0491	8-15-2014	Adopt	9-1-2014
632-037-0080	4-2-2014	Amend	5-1-2014	635-005-0705	12-9-2013	Amend(T)	1-1-2014
632-037-0085	4-2-2014	Amend	5-1-2014	635-006-0210	1-1-2014	Amend	2-1-2014
632-037-0095	4-2-2014	Amend	5-1-2014	635-006-0212	8-1-2014	Amend(T)	9-1-2014
632-037-0100	4-2-2014	Amend	5-1-2014	635-006-0213	1-1-2014	Amend	2-1-2014
632-037-0105	4-2-2014	Amend	5-1-2014	635-006-0215	8-1-2014	Amend(T)	9-1-2014
632-037-0110	4-2-2014	Amend	5-1-2014	635-006-0225	8-1-2014	Amend(T)	9-1-2014
632-037-0115	4-2-2014	Amend	5-1-2014	635-006-0232	1-13-2014	Amend	2-1-2014
632-037-0117	4-2-2014	Repeal	5-1-2014	635-008-0050	8-7-2014	Amend	9-1-2014
632-037-0118	4-2-2014	Amend	5-1-2014	635-008-0055	8-7-2014	Amend	9-1-2014
632-037-0120	4-2-2014	Amend	5-1-2014	635-008-0060	8-7-2014	Amend	9-1-2014
632-037-0125	4-2-2014	Amend	5-1-2014	635-008-0067	8-7-2014	Amend	9-1-2014
632-037-0130	4-2-2014	Amend	5-1-2014	635-008-0070	8-7-2014	Amend	9-1-2014
632-037-0135	4-2-2014	Amend	5-1-2014	635-008-0075	8-7-2014	Amend	9-1-2014
632-037-0140	4-2-2014	Amend	5-1-2014	635-008-0080	8-7-2014	Amend	9-1-2014
632-037-0145	4-2-2014	Amend	5-1-2014	635-008-0085	8-7-2014	Amend	9-1-2014
632-037-0150	4-2-2014	Amend	5-1-2014	635-008-0090	8-7-2014	Amend	9-1-2014
632-037-0155	4-2-2014	Amend	5-1-2014	635-008-0095	8-7-2014	Amend	9-1-2014
635-003-0003	5-8-2014	Amend(T)	6-1-2014	635-008-0103	8-7-2014	Adopt	9-1-2014
635-003-0003	6-10-2014	Amend	7-1-2014	635-008-0105	8-7-2014	Amend	9-1-2014
635-003-0003	6-24-2014	Amend	8-1-2014	635-008-0110	8-7-2014	Amend	9-1-2014
635-003-0003(T)	6-10-2014	Repeal	7-1-2014	635-008-0115	8-7-2014	Amend	9-1-2014
635-003-0003(T)	6-24-2014	Repeal	8-1-2014	635-008-0117	8-7-2014	Adopt	9-1-2014
635-003-0077	6-10-2014	Amend	7-1-2014	635-008-0120	8-7-2014	Amend	9-1-2014
635-003-0077	6-24-2014	Amend	8-1-2014	635-008-0121	8-7-2014	Adopt	9-1-2014
635-003-0078	6-10-2014	Amend	7-1-2014	635-008-0122	8-7-2014	Adopt	9-1-2014
635-003-0078	6-24-2014	Amend	8-1-2014	635-008-0123	8-7-2014	Amend	9-1-2014
635-003-0085	6-10-2014	Amend	7-1-2014	635-008-0124	8-7-2014	Adopt	9-1-2014
635-003-0085	6-24-2014	Amend	8-1-2014	635-008-0126	8-7-2014	Adopt	9-1-2014
635-004-0215	1-1-2014	Amend	2-1-2014	635-008-0127	8-7-2014	Amend	9-1-2014
635-004-0275	12-9-2013	Amend(T)	1-1-2014	635-008-0130	8-7-2014	Amend	9-1-2014
635-004-0275	1-1-2014	Amend	2-1-2014	635-008-0135	8-7-2014	Amend	9-1-2014
635-004-0275	4-23-2014	Amend(T)	6-1-2014	635-008-0140	8-7-2014	Amend	9-1-2014
635-004-0275	8-4-2014	Amend(T)	9-1-2014	635-008-0145	8-7-2014	Amend	9-1-2014
635-004-0275(T)	12-9-2013	Suspend	1-1-2014	635-008-0147	8-7-2014	Amend	9-1-2014
635-004-0275(T)	4-23-2014	Suspend	6-1-2014	635-008-0148	8-7-2014	ReNUMBER	9-1-2014
635-004-0275(T)	8-4-2014	Suspend	9-1-2014	635-008-0149	8-7-2014	Am. & Ren.	9-1-2014
635-004-0320	1-1-2014	Amend	2-1-2014	635-008-0151	7-4-2014	Amend	7-1-2014
635-004-0350	1-1-2014	Amend	2-1-2014	635-008-0151	8-7-2014	Am. & Ren.	9-1-2014
635-004-0355	8-1-2014	Amend(T)	9-1-2014	635-008-0153	8-7-2014	Amend	9-1-2014
635-004-0360	1-1-2014	Amend	2-1-2014	635-008-0154	8-7-2014	Amend	9-1-2014
635-004-0375	6-25-2014	Amend(T)	8-1-2014	635-008-0155	8-7-2014	Amend	9-1-2014
635-004-0375	7-22-2014	Amend(T)	9-1-2014	635-008-0160	8-7-2014	Repeal	9-1-2014
635-004-0375	8-1-2014	Amend(T)	9-1-2014	635-008-0163	8-7-2014	Amend	9-1-2014
635-004-0375	8-5-2014	Amend	9-1-2014	635-008-0164	8-7-2014	Adopt	9-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-008-0165	8-7-2014	Amend	9-1-2014	635-019-0090(T)	6-1-2014	Suspend	7-1-2014
635-008-0170	8-7-2014	Amend	9-1-2014	635-019-0090(T)	6-18-2014	Suspend	8-1-2014
635-008-0175	8-7-2014	Amend	9-1-2014	635-019-0090(T)	6-19-2014	Suspend	8-1-2014
635-008-0180	8-7-2014	Repeal	9-1-2014	635-019-0090(T)	6-21-2014	Suspend	7-1-2014
635-008-0185	8-7-2014	Amend	9-1-2014	635-019-0090(T)	6-27-2014	Suspend	8-1-2014
635-008-0190	8-7-2014	Amend	9-1-2014	635-019-0090(T)	7-5-2014	Suspend	8-1-2014
635-008-0197	8-7-2014	Amend	9-1-2014	635-019-0090(T)	7-5-2014	Suspend	8-1-2014
635-008-0200	8-7-2014	Amend	9-1-2014	635-019-0090(T)	7-21-2014	Suspend	9-1-2014
635-011-0100	12-10-2013	Amend(T)	1-1-2014	635-021-0080	1-1-2014	Amend	2-1-2014
635-011-0100	1-1-2014	Amend	2-1-2014	635-021-0090	1-1-2014	Amend	2-1-2014
635-011-0104	12-1-2013	Amend(T)	1-1-2014	635-021-0090	6-11-2014	Amend(T)	7-1-2014
635-011-0104	12-9-2013	Amend	1-1-2014	635-021-0090	7-11-2014	Amend(T)	8-1-2014
635-011-0104	6-1-2014	Amend(T)	7-1-2014	635-021-0090	8-9-2014	Amend(T)	9-1-2014
635-011-0104(T)	12-9-2013	Repeal	1-1-2014	635-021-0090(T)	7-11-2014	Suspend	8-1-2014
635-013-0003	5-8-2014	Amend(T)	6-1-2014	635-021-0090(T)	8-9-2014	Suspend	9-1-2014
635-013-0003	6-10-2014	Amend	7-1-2014	635-023-0080	1-1-2014	Amend	2-1-2014
635-013-0003	6-24-2014	Amend	8-1-2014	635-023-0090	1-1-2014	Amend	2-1-2014
635-013-0003(T)	6-10-2014	Repeal	7-1-2014	635-023-0090	3-1-2014	Amend(T)	3-1-2014
635-013-0003(T)	6-24-2014	Repeal	8-1-2014	635-023-0095	1-1-2014	Amend	2-1-2014
635-013-0004	1-1-2014	Amend	2-1-2014	635-023-0095	1-1-2014	Amend(T)	1-1-2014
635-013-0007	6-10-2014	Amend	7-1-2014	635-023-0095	2-1-2014	Amend(T)	3-1-2014
635-013-0007	6-24-2014	Amend	8-1-2014	635-023-0095	2-24-2014	Amend(T)	4-1-2014
635-014-0080	1-1-2014	Amend	2-1-2014	635-023-0095	5-1-2014	Amend(T)	5-1-2014
635-014-0090	1-1-2014	Amend	2-1-2014	635-023-0095	6-13-2014	Amend(T)	7-1-2014
635-014-0090	6-30-2014	Amend(T)	8-1-2014	635-023-0095	7-11-2014	Amend(T)	8-1-2014
635-014-0090	8-4-2014	Amend	9-1-2014	635-023-0095	7-14-2014	Amend(T)	8-1-2014
635-014-0090	8-4-2014	Amend(T)	9-1-2014	635-023-0095(T)	1-1-2014	Suspend	1-1-2014
635-014-0090(T)	8-4-2014	Suspend	9-1-2014	635-023-0095(T)	2-1-2014	Suspend	3-1-2014
635-016-0080	1-1-2014	Amend	2-1-2014	635-023-0095(T)	2-24-2014	Suspend	4-1-2014
635-016-0090	1-1-2014	Amend	2-1-2014	635-023-0095(T)	5-1-2014	Suspend	5-1-2014
635-016-0090	8-4-2014	Amend	9-1-2014	635-023-0095(T)	6-13-2014	Suspend	7-1-2014
635-017-0080	1-1-2014	Amend	2-1-2014	635-023-0095(T)	7-11-2014	Suspend	8-1-2014
635-017-0090	1-1-2014	Amend	2-1-2014	635-023-0095(T)	7-14-2014	Suspend	8-1-2014
635-017-0090	6-10-2014	Amend(T)	7-1-2014	635-023-0125	1-1-2014	Amend	2-1-2014
635-017-0090	6-13-2014	Amend(T)	7-1-2014	635-023-0125	3-1-2014	Amend(T)	3-1-2014
635-017-0090	6-23-2014	Amend(T)	8-1-2014	635-023-0125	4-4-2014	Amend(T)	5-1-2014
635-017-0090(T)	6-13-2014	Suspend	7-1-2014	635-023-0125	4-19-2014	Amend(T)	6-1-2014
635-017-0090(T)	6-23-2014	Suspend	8-1-2014	635-023-0125	5-9-2014	Amend(T)	6-1-2014
635-017-0095	1-1-2014	Amend	2-1-2014	635-023-0125	5-15-2014	Amend(T)	6-1-2014
635-018-0080	1-1-2014	Amend	2-1-2014	635-023-0125	5-31-2014	Amend(T)	7-1-2014
635-018-0090	1-1-2014	Amend	2-1-2014	635-023-0125(T)	4-4-2014	Suspend	5-1-2014
635-018-0090	4-15-2014	Amend(T)	4-1-2014	635-023-0125(T)	4-19-2014	Suspend	6-1-2014
635-018-0090	8-1-2014	Amend(T)	8-1-2014	635-023-0125(T)	5-9-2014	Suspend	6-1-2014
635-019-0080	1-1-2014	Amend	2-1-2014	635-023-0125(T)	5-15-2014	Suspend	6-1-2014
635-019-0090	1-1-2014	Amend	2-1-2014	635-023-0125(T)	5-31-2014	Suspend	7-1-2014
635-019-0090	5-17-2014	Amend(T)	6-1-2014	635-023-0128	1-1-2014	Amend	2-1-2014
635-019-0090	5-31-2014	Amend(T)	7-1-2014	635-023-0128	6-16-2014	Amend(T)	7-1-2014
635-019-0090	6-1-2014	Amend(T)	7-1-2014	635-023-0128	7-3-2014	Amend(T)	8-1-2014
635-019-0090	6-18-2014	Amend(T)	8-1-2014	635-023-0128	7-11-2014	Amend(T)	8-1-2014
635-019-0090	6-19-2014	Amend(T)	8-1-2014	635-023-0128(T)	7-3-2014	Suspend	8-1-2014
635-019-0090	6-21-2014	Amend(T)	7-1-2014	635-023-0128(T)	7-11-2014	Suspend	8-1-2014
635-019-0090	6-27-2014	Amend(T)	8-1-2014	635-023-0130	1-1-2014	Amend	2-1-2014
635-019-0090	7-5-2014	Amend(T)	8-1-2014	635-023-0130	8-1-2014	Amend(T)	9-1-2014
635-019-0090	7-5-2014	Amend(T)	8-1-2014	635-023-0130	8-1-2014	Amend(T)	9-1-2014
635-019-0090	7-21-2014	Amend(T)	9-1-2014	635-023-0130(T)	8-1-2014	Suspend	9-1-2014
635-019-0090(T)	5-31-2014	Suspend	7-1-2014	635-023-0134	1-1-2014	Amend	2-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-023-0134	4-26-2014	Amend(T)	6-1-2014	635-042-0022	5-20-2014	Amend(T)	6-1-2014
635-023-0134	7-21-2014	Amend(T)	9-1-2014	635-042-0022	5-28-2014	Amend(T)	7-1-2014
635-023-0134	9-1-2014	Amend(T)	9-1-2014	635-042-0022	6-4-2014	Amend(T)	7-1-2014
635-023-0134(T)	7-21-2014	Suspend	9-1-2014	635-042-0022(T)	5-7-2014	Suspend	6-1-2014
635-023-0134(T)	9-1-2014	Suspend	9-1-2014	635-042-0022(T)	5-20-2014	Suspend	6-1-2014
635-023-0140	2-1-2014	Adopt(T)	3-1-2014	635-042-0022(T)	5-28-2014	Suspend	7-1-2014
635-023-0140	2-10-2014	Adopt	3-1-2014	635-042-0022(T)	6-4-2014	Suspend	7-1-2014
635-023-0140(T)	2-10-2014	Repeal	3-1-2014	635-042-0022(T)	6-16-2014	Suspend	7-1-2014
635-039-0080	1-1-2014	Amend	2-1-2014	635-042-0027	6-16-2014	Amend(T)	7-1-2014
635-039-0080	5-1-2014	Amend	6-1-2014	635-042-0027	7-7-2014	Amend(T)	8-1-2014
635-039-0085	5-1-2014	Amend	6-1-2014	635-042-0027	7-14-2014	Amend(T)	8-1-2014
635-039-0085	6-27-2014	Amend(T)	8-1-2014	635-042-0027	7-28-2014	Amend(T)	9-1-2014
635-039-0090	1-1-2014	Amend	2-1-2014	635-042-0027(T)	7-7-2014	Suspend	8-1-2014
635-041-0045	3-12-2014	Amend(T)	4-1-2014	635-042-0027(T)	7-14-2014	Suspend	8-1-2014
635-041-0045	5-6-2014	Amend(T)	6-1-2014	635-042-0027(T)	7-28-2014	Suspend	9-1-2014
635-041-0045	8-1-2014	Amend(T)	9-1-2014	635-042-0031	8-3-2014	Amend(T)	9-1-2014
635-041-0045(T)	5-6-2014	Suspend	6-1-2014	635-042-0031	8-13-2014	Amend(T)	9-1-2014
635-041-0061	2-1-2014	Amend(T)	3-1-2014	635-042-0031(T)	8-13-2014	Suspend	9-1-2014
635-041-0061	3-1-2014	Amend(T)	4-1-2014	635-042-0130	2-10-2014	Amend(T)	3-1-2014
635-041-0061	3-12-2014	Amend(T)	4-1-2014	635-042-0145	2-10-2014	Amend(T)	3-1-2014
635-041-0061(T)	3-1-2014	Suspend	4-1-2014	635-042-0145	3-10-2014	Amend(T)	4-1-2014
635-041-0061(T)	3-12-2014	Suspend	4-1-2014	635-042-0145	3-17-2014	Amend(T)	4-1-2014
635-041-0061(T)	7-14-2014	Suspend	8-1-2014	635-042-0145	4-22-2014	Amend(T)	6-1-2014
635-041-0065	2-1-2014	Amend(T)	3-1-2014	635-042-0145	4-24-2014	Amend(T)	6-1-2014
635-041-0065	2-26-2014	Amend(T)	4-1-2014	635-042-0145	5-8-2014	Amend(T)	6-1-2014
635-041-0065	3-1-2014	Amend(T)	4-1-2014	635-042-0145	5-20-2014	Amend(T)	6-1-2014
635-041-0065	3-12-2014	Amend(T)	4-1-2014	635-042-0145	5-28-2014	Amend(T)	7-1-2014
635-041-0065	5-6-2014	Amend(T)	6-1-2014	635-042-0145	6-4-2014	Amend(T)	7-1-2014
635-041-0065	5-20-2014	Amend(T)	7-1-2014	635-042-0145	8-5-2014	Amend(T)	9-1-2014
635-041-0065	5-28-2014	Amend(T)	7-1-2014	635-042-0145(T)	3-10-2014	Suspend	4-1-2014
635-041-0065	6-3-2014	Amend(T)	7-1-2014	635-042-0145(T)	3-17-2014	Suspend	4-1-2014
635-041-0065	6-10-2014	Amend(T)	7-1-2014	635-042-0145(T)	4-22-2014	Suspend	6-1-2014
635-041-0065(T)	2-26-2014	Suspend	4-1-2014	635-042-0145(T)	4-24-2014	Suspend	6-1-2014
635-041-0065(T)	3-1-2014	Suspend	4-1-2014	635-042-0145(T)	5-8-2014	Suspend	6-1-2014
635-041-0065(T)	3-12-2014	Suspend	4-1-2014	635-042-0145(T)	5-20-2014	Suspend	6-1-2014
635-041-0065(T)	5-6-2014	Suspend	6-1-2014	635-042-0145(T)	5-28-2014	Suspend	7-1-2014
635-041-0065(T)	5-20-2014	Suspend	7-1-2014	635-042-0145(T)	6-4-2014	Suspend	7-1-2014
635-041-0065(T)	5-28-2014	Suspend	7-1-2014	635-042-0160	2-10-2014	Amend(T)	3-1-2014
635-041-0065(T)	6-3-2014	Suspend	7-1-2014	635-042-0160	4-24-2014	Amend(T)	6-1-2014
635-041-0065(T)	6-10-2014	Suspend	7-1-2014	635-042-0160	5-8-2014	Amend(T)	6-1-2014
635-041-0065(T)	6-16-2014	Suspend	7-1-2014	635-042-0160	8-18-2014	Amend(T)	9-1-2014
635-041-0075	8-1-2014	Amend(T)	9-1-2014	635-042-0160(T)	4-24-2014	Suspend	6-1-2014
635-041-0075	8-18-2014	Amend(T)	9-1-2014	635-042-0160(T)	5-8-2014	Suspend	6-1-2014
635-041-0075(T)	8-18-2014	Suspend	9-1-2014	635-042-0170	2-10-2014	Amend(T)	3-1-2014
635-041-0076	6-16-2014	Amend(T)	7-1-2014	635-042-0170	4-24-2014	Amend(T)	6-1-2014
635-041-0076	6-30-2014	Amend(T)	8-1-2014	635-042-0170	5-8-2014	Amend(T)	6-1-2014
635-041-0076	7-14-2014	Amend(T)	8-1-2014	635-042-0170	8-18-2014	Amend(T)	9-1-2014
635-041-0076	7-21-2014	Amend(T)	9-1-2014	635-042-0170(T)	4-24-2014	Suspend	6-1-2014
635-041-0076	7-28-2014	Amend(T)	9-1-2014	635-042-0170(T)	5-8-2014	Suspend	6-1-2014
635-041-0076(T)	6-30-2014	Suspend	8-1-2014	635-042-0180	2-10-2014	Amend(T)	3-1-2014
635-041-0076(T)	7-14-2014	Suspend	8-1-2014	635-042-0180	8-18-2014	Amend(T)	9-1-2014
635-041-0076(T)	7-21-2014	Suspend	9-1-2014	635-045-0000	6-10-2014	Amend	7-1-2014
635-041-0076(T)	7-28-2014	Suspend	9-1-2014	635-045-0000	8-4-2014	Amend	9-1-2014
635-042-0010	8-13-2014	Amend(T)	9-1-2014	635-045-0002	6-10-2014	Amend	7-1-2014
635-042-0022	4-1-2014	Amend(T)	5-1-2014	635-050-0070	6-11-2014	Amend	7-1-2014
635-042-0022	5-7-2014	Amend(T)	6-1-2014	635-050-0080	6-11-2014	Amend	7-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-050-0090	6-11-2014	Amend	7-1-2014	635-068-0000	6-10-2014	Amend	7-1-2014
635-050-0100	6-11-2014	Amend	7-1-2014	635-069-0000	1-22-2014	Amend	3-1-2014
635-050-0110	6-11-2014	Amend	7-1-2014	635-069-0000	6-10-2014	Amend	7-1-2014
635-050-0120	6-11-2014	Amend	7-1-2014	635-070-0000	3-11-2014	Amend	4-1-2014
635-050-0130	6-11-2014	Amend	7-1-2014	635-070-0000	6-10-2014	Amend	7-1-2014
635-050-0140	6-11-2014	Amend	7-1-2014	635-070-0020	2-12-2014	Amend(T)	3-1-2014
635-050-0150	6-11-2014	Amend	7-1-2014	635-070-0020	3-11-2014	Amend	4-1-2014
635-050-0170	6-11-2014	Amend	7-1-2014	635-070-0020	6-10-2014	Amend	7-1-2014
635-050-0180	6-11-2014	Amend	7-1-2014	635-070-0020(T)	2-12-2014	Suspend	3-1-2014
635-050-0183	6-11-2014	Amend	7-1-2014	635-071-0000	3-11-2014	Amend	4-1-2014
635-050-0189	6-11-2014	Amend	7-1-2014	635-071-0000	6-10-2014	Amend	7-1-2014
635-051-0000	8-4-2014	Amend	9-1-2014	635-072-0000	12-20-2013	Amend	2-1-2014
635-051-0048	8-4-2014	Amend	9-1-2014	635-073-0000	1-22-2014	Amend	3-1-2014
635-052-0000	8-4-2014	Amend	9-1-2014	635-073-0000	6-10-2014	Amend	7-1-2014
635-053-0000	8-4-2014	Amend	9-1-2014	635-073-0000	7-7-2014	Amend(T)	8-1-2014
635-054-0000	8-4-2014	Amend	9-1-2014	635-073-0015	6-10-2014	Amend	7-1-2014
635-054-0045	6-30-2014	Adopt(T)	8-1-2014	635-073-0060	8-8-2014	Amend(T)	9-1-2014
635-054-0050	6-30-2014	Adopt(T)	8-1-2014	635-075-0005	6-10-2014	Amend	7-1-2014
635-054-0055	6-30-2014	Adopt(T)	8-1-2014	635-075-0010	6-10-2014	Amend	7-1-2014
635-054-0060	6-30-2014	Adopt(T)	8-1-2014	635-075-0011	6-10-2014	Amend	7-1-2014
635-055-0002	3-11-2014	Amend	4-1-2014	635-075-0020	6-10-2014	Amend	7-1-2014
635-055-0030	3-11-2014	Amend	4-1-2014	635-095-0100	7-4-2014	Amend	7-1-2014
635-055-0035	3-11-2014	Amend	4-1-2014	635-095-0105	7-4-2014	Amend	7-1-2014
635-055-0037	3-11-2014	Amend	4-1-2014	635-095-0125	7-4-2014	Amend	7-1-2014
635-056-0000	3-11-2014	Amend	4-1-2014	635-095-0125	7-7-2014	Amend(T)	8-1-2014
635-056-0002	3-11-2014	Adopt	4-1-2014	635-110-0000	1-14-2014	Amend	2-1-2014
635-056-0050	3-11-2014	Amend	4-1-2014	635-110-0010	1-14-2014	Amend	2-1-2014
635-056-0060	3-11-2014	Amend	4-1-2014	635-110-0010(T)	1-14-2014	Repeal	2-1-2014
635-056-0060	4-16-2014	Amend(T)	5-1-2014	635-110-0020	1-14-2014	Amend	2-1-2014
635-056-0075	4-1-2014	Amend(T)	5-1-2014	635-110-0030	1-14-2014	Amend	2-1-2014
635-056-0130	3-11-2014	Amend	4-1-2014	635-200-0040	6-11-2014	Amend	7-1-2014
635-056-0140	3-11-2014	Amend	4-1-2014	635-500-0130	6-10-2014	Repeal	7-1-2014
635-056-0150	3-11-2014	Amend	4-1-2014	635-500-0130	6-24-2014	Repeal	8-1-2014
635-060-0000	8-4-2014	Amend	9-1-2014	635-500-0135	6-10-2014	Repeal	7-1-2014
635-065-0001	12-20-2013	Amend	2-1-2014	635-500-0135	6-24-2014	Repeal	8-1-2014
635-065-0011	12-20-2013	Amend	2-1-2014	635-500-0140	6-10-2014	Repeal	7-1-2014
635-065-0015	12-20-2013	Amend	2-1-2014	635-500-0140	6-24-2014	Repeal	8-1-2014
635-065-0015	6-10-2014	Amend	7-1-2014	635-500-0145	6-10-2014	Repeal	7-1-2014
635-065-0090	12-20-2013	Amend	2-1-2014	635-500-0145	6-24-2014	Repeal	8-1-2014
635-065-0401	12-20-2013	Amend	2-1-2014	635-500-0150	6-10-2014	Repeal	7-1-2014
635-065-0501	12-20-2013	Amend	2-1-2014	635-500-0150	6-24-2014	Repeal	8-1-2014
635-065-0625	8-7-2014	Amend	9-1-2014	635-500-0175	6-10-2014	Repeal	7-1-2014
635-065-0705	12-20-2013	Amend	2-1-2014	635-500-0175	6-24-2014	Repeal	8-1-2014
635-065-0740	12-20-2013	Amend	2-1-2014	635-500-0200	6-10-2014	Amend	7-1-2014
635-065-0760	12-20-2013	Amend	2-1-2014	635-500-0200	6-24-2014	Amend	8-1-2014
635-065-0765	12-20-2013	Amend	2-1-2014	635-500-0385	6-10-2014	Amend	7-1-2014
635-065-0772	3-13-2014	Amend(T)	4-1-2014	635-500-0385	6-24-2014	Amend	8-1-2014
635-065-0772	6-10-2014	Amend	7-1-2014	635-500-0390	6-10-2014	Repeal	7-1-2014
635-065-0772(T)	6-10-2014	Repeal	7-1-2014	635-500-0390	6-24-2014	Repeal	8-1-2014
635-066-0000	12-20-2013	Amend	2-1-2014	635-500-0400	6-10-2014	Repeal	7-1-2014
635-066-0010	12-20-2013	Amend	2-1-2014	635-500-0400	6-24-2014	Repeal	8-1-2014
635-067-0000	12-20-2013	Amend	2-1-2014	635-500-0405	6-10-2014	Repeal	7-1-2014
635-067-0000	6-10-2014	Amend	7-1-2014	635-500-0405	6-24-2014	Repeal	8-1-2014
635-067-0030	8-28-2014	Amend(T)	9-1-2014	635-500-0415	6-10-2014	Repeal	7-1-2014
635-067-0041	12-20-2013	Amend	2-1-2014	635-500-0415	6-24-2014	Repeal	8-1-2014
635-068-0000	2-27-2014	Amend	4-1-2014	635-500-0420	6-10-2014	Repeal	7-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-500-0420	6-24-2014	Repeal	8-1-2014	635-500-4580	6-24-2014	Repeal	8-1-2014
635-500-0425	6-10-2014	Repeal	7-1-2014	635-500-4590	6-10-2014	Repeal	7-1-2014
635-500-0425	6-24-2014	Repeal	8-1-2014	635-500-4590	6-24-2014	Repeal	8-1-2014
635-500-0500	6-10-2014	Amend	7-1-2014	635-500-4600	6-10-2014	Repeal	7-1-2014
635-500-0500	6-24-2014	Amend	8-1-2014	635-500-4600	6-24-2014	Repeal	8-1-2014
635-500-0505	6-10-2014	Repeal	7-1-2014	635-500-4810	6-10-2014	Amend	7-1-2014
635-500-0505	6-24-2014	Repeal	8-1-2014	635-500-4810	6-24-2014	Amend	8-1-2014
635-500-0515	6-10-2014	Repeal	7-1-2014	635-500-4830	6-10-2014	Repeal	7-1-2014
635-500-0515	6-24-2014	Repeal	8-1-2014	635-500-4830	6-24-2014	Repeal	8-1-2014
635-500-0520	6-10-2014	Repeal	7-1-2014	635-500-4840	6-10-2014	Repeal	7-1-2014
635-500-0520	6-24-2014	Repeal	8-1-2014	635-500-4840	6-24-2014	Repeal	8-1-2014
635-500-0600	6-10-2014	Amend	7-1-2014	635-500-4850	6-10-2014	Repeal	7-1-2014
635-500-0600	6-24-2014	Amend	8-1-2014	635-500-4850	6-24-2014	Repeal	8-1-2014
635-500-0605	6-10-2014	Repeal	7-1-2014	635-500-4860	6-10-2014	Repeal	7-1-2014
635-500-0605	6-24-2014	Repeal	8-1-2014	635-500-4860	6-24-2014	Repeal	8-1-2014
635-500-0610	6-10-2014	Repeal	7-1-2014	635-500-4880	6-10-2014	Repeal	7-1-2014
635-500-0610	6-24-2014	Repeal	8-1-2014	635-500-4880	6-24-2014	Repeal	8-1-2014
635-500-0620	6-10-2014	Repeal	7-1-2014	635-500-4890	6-10-2014	Repeal	7-1-2014
635-500-0620	6-24-2014	Repeal	8-1-2014	635-500-4890	6-24-2014	Repeal	8-1-2014
635-500-0625	6-10-2014	Repeal	7-1-2014	635-500-5010	6-10-2014	Amend	7-1-2014
635-500-0625	6-24-2014	Repeal	8-1-2014	635-500-5010	6-24-2014	Amend	8-1-2014
635-500-0630	6-10-2014	Repeal	7-1-2014	635-500-5030	6-10-2014	Repeal	7-1-2014
635-500-0630	6-24-2014	Repeal	8-1-2014	635-500-5030	6-24-2014	Repeal	8-1-2014
635-500-4010	6-10-2014	Amend	7-1-2014	635-500-5040	6-10-2014	Repeal	7-1-2014
635-500-4010	6-24-2014	Amend	8-1-2014	635-500-5040	6-24-2014	Repeal	8-1-2014
635-500-4030	6-10-2014	Repeal	7-1-2014	635-500-5050	6-10-2014	Repeal	7-1-2014
635-500-4030	6-24-2014	Repeal	8-1-2014	635-500-5050	6-24-2014	Repeal	8-1-2014
635-500-4040	6-10-2014	Repeal	7-1-2014	635-500-5070	6-10-2014	Repeal	7-1-2014
635-500-4040	6-24-2014	Repeal	8-1-2014	635-500-5070	6-24-2014	Repeal	8-1-2014
635-500-4060	6-10-2014	Repeal	7-1-2014	635-500-5080	6-10-2014	Repeal	7-1-2014
635-500-4060	6-24-2014	Repeal	8-1-2014	635-500-5080	6-24-2014	Repeal	8-1-2014
635-500-4070	6-10-2014	Repeal	7-1-2014	635-500-5210	6-10-2014	Amend	7-1-2014
635-500-4070	6-24-2014	Repeal	8-1-2014	635-500-5210	6-24-2014	Amend	8-1-2014
635-500-4310	6-10-2014	Amend	7-1-2014	635-500-5230	6-10-2014	Repeal	7-1-2014
635-500-4310	6-24-2014	Amend	8-1-2014	635-500-5230	6-24-2014	Repeal	8-1-2014
635-500-4330	6-10-2014	Repeal	7-1-2014	635-500-5240	6-10-2014	Repeal	7-1-2014
635-500-4330	6-24-2014	Repeal	8-1-2014	635-500-5240	6-24-2014	Repeal	8-1-2014
635-500-4340	6-10-2014	Repeal	7-1-2014	635-500-5250	6-10-2014	Repeal	7-1-2014
635-500-4340	6-24-2014	Repeal	8-1-2014	635-500-5250	6-24-2014	Repeal	8-1-2014
635-500-4350	6-10-2014	Repeal	7-1-2014	635-500-5270	6-10-2014	Repeal	7-1-2014
635-500-4350	6-24-2014	Repeal	8-1-2014	635-500-5270	6-24-2014	Repeal	8-1-2014
635-500-4370	6-10-2014	Repeal	7-1-2014	635-500-5280	6-10-2014	Repeal	7-1-2014
635-500-4370	6-24-2014	Repeal	8-1-2014	635-500-5280	6-24-2014	Repeal	8-1-2014
635-500-4380	6-10-2014	Repeal	7-1-2014	635-500-5290	6-10-2014	Repeal	7-1-2014
635-500-4380	6-24-2014	Repeal	8-1-2014	635-500-5290	6-24-2014	Repeal	8-1-2014
635-500-4510	6-10-2014	Amend	7-1-2014	635-500-5400	6-10-2014	Repeal	7-1-2014
635-500-4510	6-24-2014	Amend	8-1-2014	635-500-5400	6-24-2014	Repeal	8-1-2014
635-500-4530	6-10-2014	Repeal	7-1-2014	635-500-6775	6-10-2014	Adopt	7-1-2014
635-500-4530	6-24-2014	Repeal	8-1-2014	635-500-6775	6-24-2014	Adopt	8-1-2014
635-500-4540	6-10-2014	Repeal	7-1-2014	642-010-0010	7-1-2014	Amend	5-1-2014
635-500-4540	6-24-2014	Repeal	8-1-2014	644-010-0005	7-1-2014	Amend	8-1-2014
635-500-4550	6-10-2014	Repeal	7-1-2014	644-010-0005	7-23-2014	Amend	9-1-2014
635-500-4550	6-24-2014	Repeal	8-1-2014	644-010-0010	7-1-2014	Amend	8-1-2014
635-500-4560	6-10-2014	Repeal	7-1-2014	644-010-0010	7-23-2014	Amend	9-1-2014
635-500-4560	6-24-2014	Repeal	8-1-2014	644-010-0015	7-1-2014	Amend	8-1-2014
635-500-4580	6-10-2014	Repeal	7-1-2014	644-010-0015	7-23-2014	Amend	9-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
644-010-0020	7-1-2014	Amend	8-1-2014	695-040-0140	8-6-2014	Adopt	9-1-2014
644-010-0020	7-23-2014	Amend	9-1-2014	695-040-0150	8-6-2014	Adopt	9-1-2014
644-010-0025	7-1-2014	Amend	8-1-2014	710-001-0000	2-11-2014	Adopt	3-1-2014
644-010-0025	7-23-2014	Amend	9-1-2014	710-001-0005	2-11-2014	Adopt	3-1-2014
644-030-0020	7-1-2014	Amend	8-1-2014	710-005-0005	2-11-2014	Adopt	3-1-2014
646-010-0020	5-5-2014	Amend	6-1-2014	710-010-0000	7-1-2014	Adopt(T)	8-1-2014
646-030-0020	5-5-2014	Amend	6-1-2014	715-001-0020	2-19-2014	Adopt(T)	4-1-2014
646-040-0000	5-5-2014	Amend	6-1-2014	715-001-0025	2-19-2014	Adopt(T)	4-1-2014
647-010-0010	5-5-2014	Amend	6-1-2014	715-013-0010	6-25-2014	Adopt(T)	8-1-2014
655-015-0020	5-6-2014	Amend	6-1-2014	715-013-0050	6-25-2014	Adopt(T)	8-1-2014
656-030-0020	1-24-2014	Amend	3-1-2014	715-013-0055	6-25-2014	Adopt(T)	8-1-2014
656-030-0040	1-24-2014	Amend	3-1-2014	731-012-0030	4-23-2014	Amend	6-1-2014
656-040-0010	1-24-2014	Amend	3-1-2014	731-012-0030	7-10-2014	Amend	8-1-2014
660-006-0025	1-1-2014	Amend	2-1-2014	731-035-0010	12-20-2013	Amend	2-1-2014
660-006-0026	1-1-2014	Amend	2-1-2014	731-035-0020	12-20-2013	Amend	2-1-2014
660-006-0055	1-1-2014	Amend	2-1-2014	731-035-0050	12-20-2013	Amend	2-1-2014
660-012-0005	8-15-2014	Amend	9-1-2014	731-035-0060	12-20-2013	Amend	2-1-2014
660-012-0015	8-15-2014	Amend	9-1-2014	731-035-0080	12-20-2013	Amend	2-1-2014
660-012-0016	8-15-2014	Amend	9-1-2014	731-147-0010	1-1-2014	Amend	2-1-2014
660-012-0020	8-15-2014	Amend	9-1-2014	731-147-0040	1-1-2014	Amend	2-1-2014
660-012-0025	8-15-2014	Amend	9-1-2014	731-149-0010	1-1-2014	Amend	2-1-2014
660-012-0030	8-15-2014	Amend	9-1-2014	734-020-0010	2-21-2014	Amend	4-1-2014
660-012-0035	8-15-2014	Amend	9-1-2014	734-026-0010	11-25-2013	Amend	1-1-2014
660-012-0045	8-15-2014	Amend	9-1-2014	734-026-0020	11-25-2013	Amend	1-1-2014
660-012-0055	8-15-2014	Amend	9-1-2014	734-026-0030	11-25-2013	Amend	1-1-2014
660-018-0020	1-1-2014	Amend	2-1-2014	734-035-0010	6-25-2014	Amend(T)	8-1-2014
660-018-0040	1-1-2014	Amend	2-1-2014	734-035-0010	7-10-2014	Amend(T)	8-1-2014
660-033-0030	1-1-2014	Amend	2-1-2014	734-035-0200	6-25-2014	Adopt(T)	8-1-2014
660-033-0120	1-1-2014	Amend	2-1-2014	734-035-0200	7-9-2014	Adopt(T)	8-1-2014
660-033-0130	1-1-2014	Amend	2-1-2014	734-051-1030	6-30-2014	Amend	8-1-2014
660-033-0140	1-1-2014	Amend	2-1-2014	734-051-1030	7-9-2014	Amend	8-1-2014
661-010-0000	2-26-2014	Amend	4-1-2014	734-051-1040	6-30-2014	Amend	8-1-2014
661-010-0021	1-1-2014	Amend	2-1-2014	734-051-1040	7-9-2014	Amend	8-1-2014
661-010-0025	1-1-2014	Amend	2-1-2014	734-051-1065	6-30-2014	Adopt	8-1-2014
661-010-0030	1-1-2014	Amend	2-1-2014	734-051-1065	7-9-2014	Adopt	8-1-2014
661-010-0050	1-1-2014	Amend	2-1-2014	734-051-1070	6-30-2014	Amend	8-1-2014
661-010-0067	1-1-2014	Amend	2-1-2014	734-051-1070	7-9-2014	Amend	8-1-2014
661-010-0071	1-1-2014	Amend	2-1-2014	734-051-2010	6-30-2014	Amend	8-1-2014
661-010-0073	1-1-2014	Amend	2-1-2014	734-051-2010	7-9-2014	Amend	8-1-2014
661-010-0075	1-1-2014	Amend	2-1-2014	734-051-2020	6-30-2014	Amend	8-1-2014
690-022-0020	4-1-2014	Adopt(T)	5-1-2014	734-051-2020	7-9-2014	Amend	8-1-2014
690-022-0025	4-1-2014	Adopt(T)	5-1-2014	734-051-3010	6-30-2014	Amend	8-1-2014
690-022-0030	4-1-2014	Adopt(T)	5-1-2014	734-051-3010	7-9-2014	Amend	8-1-2014
695-040-0010	8-6-2014	Amend	9-1-2014	734-051-3015	6-30-2014	Adopt	8-1-2014
695-040-0020	8-6-2014	Amend	9-1-2014	734-051-3015	7-9-2014	Adopt	8-1-2014
695-040-0030	8-6-2014	Amend	9-1-2014	734-051-3020	6-30-2014	Amend	8-1-2014
695-040-0040	8-6-2014	Repeal	9-1-2014	734-051-3020	7-9-2014	Amend	8-1-2014
695-040-0050	8-6-2014	Repeal	9-1-2014	734-051-3040	6-30-2014	Amend	8-1-2014
695-040-0060	8-6-2014	Repeal	9-1-2014	734-051-3040	7-9-2014	Amend	8-1-2014
695-040-0070	8-6-2014	Repeal	9-1-2014	734-051-3050	6-30-2014	Amend	8-1-2014
695-040-0080	8-6-2014	Repeal	9-1-2014	734-051-3050	7-9-2014	Amend	8-1-2014
695-040-0090	8-6-2014	Adopt	9-1-2014	734-051-3060	6-30-2014	Amend	8-1-2014
695-040-0100	8-6-2014	Adopt	9-1-2014	734-051-3060	7-9-2014	Amend	8-1-2014
695-040-0110	8-6-2014	Adopt	9-1-2014	734-051-3070	6-30-2014	Amend	8-1-2014
695-040-0120	8-6-2014	Adopt	9-1-2014	734-051-3070	7-9-2014	Amend	8-1-2014
695-040-0130	8-6-2014	Adopt	9-1-2014	734-051-4020	6-30-2014	Amend	8-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
734-051-4020	7-9-2014	Amend	8-1-2014	735-070-0085(T)	11-25-2013	Repeal	1-1-2014
734-051-5060	6-30-2014	Amend	8-1-2014	735-070-0185	1-1-2014	Amend	2-1-2014
734-051-5060	7-9-2014	Amend	8-1-2014	735-070-0190	1-1-2014	Amend	2-1-2014
734-051-5120	6-30-2014	Amend	8-1-2014	735-072-0035	1-1-2014	Amend	2-1-2014
734-051-5120	7-9-2014	Amend	8-1-2014	735-150-0037	5-19-2014	Amend(T)	7-1-2014
734-051-7010	6-30-2014	Amend	8-1-2014	735-150-0045	1-1-2014	Amend	2-1-2014
734-051-7010	7-9-2014	Amend	8-1-2014	735-150-0105	1-1-2014	Amend	2-1-2014
734-051-8010	1-1-2014	Adopt(T)	2-1-2014	735-150-0140	5-19-2014	Amend	7-1-2014
734-051-8010(T)	6-30-2014	Repeal	8-1-2014	735-152-0037	1-1-2014	Amend	2-1-2014
734-051-8010(T)	7-9-2014	Repeal	8-1-2014	736-010-0040	3-6-2014	Amend	4-1-2014
734-051-8015	1-1-2014	Adopt(T)	2-1-2014	736-018-0045	8-31-2014	Amend	9-1-2014
734-051-8015(T)	6-30-2014	Repeal	8-1-2014	736-040-0065	7-1-2014	Amend	8-1-2014
734-051-8015(T)	7-9-2014	Repeal	8-1-2014	736-040-0070	7-1-2014	Amend	8-1-2014
734-051-8020	1-1-2014	Adopt(T)	2-1-2014	737-015-0010	3-1-2014	Amend	3-1-2014
734-051-8020(T)	6-30-2014	Repeal	8-1-2014	737-015-0020	3-1-2014	Amend	3-1-2014
734-051-8020(T)	7-9-2014	Repeal	8-1-2014	737-015-0030	3-1-2014	Amend	3-1-2014
734-051-8025	1-1-2014	Adopt(T)	2-1-2014	737-015-0035	3-1-2014	Adopt	3-1-2014
734-051-8025(T)	6-30-2014	Repeal	8-1-2014	737-015-0070	3-1-2014	Amend	3-1-2014
734-051-8025(T)	7-9-2014	Repeal	8-1-2014	737-015-0074	3-1-2014	Adopt	3-1-2014
734-051-8030	1-1-2014	Adopt(T)	2-1-2014	737-015-0076	3-1-2014	Adopt	3-1-2014
734-051-8030(T)	6-30-2014	Repeal	8-1-2014	737-015-0085	3-1-2014	Adopt	3-1-2014
734-051-8030(T)	7-9-2014	Repeal	8-1-2014	737-015-0090	3-1-2014	Amend	3-1-2014
734-055-0017	11-25-2013	Repeal	1-1-2014	737-015-0100	3-1-2014	Amend	3-1-2014
735-010-0250	12-20-2013	Adopt	2-1-2014	737-015-0105	3-1-2014	Adopt	3-1-2014
735-018-0010	12-20-2013	Amend	2-1-2014	737-015-0110	3-1-2014	Amend	3-1-2014
735-018-0010	3-25-2014	Amend	5-1-2014	737-015-0120	3-1-2014	Adopt	3-1-2014
735-018-0020	3-25-2014	Amend	5-1-2014	737-015-0130	3-1-2014	Adopt	3-1-2014
735-018-0050	3-25-2014	Amend	5-1-2014	737-025-0010	2-26-2014	Amend	4-1-2014
735-018-0070	3-25-2014	Amend	5-1-2014	740-100-0010	4-23-2014	Amend	6-1-2014
735-018-0080	3-25-2014	Amend	5-1-2014	740-100-0010	7-10-2014	Amend	8-1-2014
735-018-0130	12-20-2013	Adopt	2-1-2014	740-100-0065	4-23-2014	Amend	6-1-2014
735-020-0010	5-19-2014	Amend	7-1-2014	740-100-0065	7-10-2014	Amend	8-1-2014
735-022-0000	5-19-2014	Amend	7-1-2014	740-100-0070	4-23-2014	Amend	6-1-2014
735-022-0010	5-19-2014	Repeal	7-1-2014	740-100-0070	7-10-2014	Amend	8-1-2014
735-022-0030	5-19-2014	Amend	7-1-2014	740-100-0080	4-23-2014	Amend	6-1-2014
735-022-0050	5-19-2014	Amend	7-1-2014	740-100-0080	7-10-2014	Amend	8-1-2014
735-022-0060	5-19-2014	Amend	7-1-2014	740-100-0085	4-23-2014	Amend	6-1-2014
735-022-0090	5-19-2014	Amend	7-1-2014	740-100-0085	7-10-2014	Amend	8-1-2014
735-028-0000	4-1-2014	Amend(T)	5-1-2014	740-100-0090	4-23-2014	Amend	6-1-2014
735-028-0000	6-24-2014	Amend	8-1-2014	740-100-0090	7-10-2014	Amend	8-1-2014
735-028-0000	7-9-2014	Amend	8-1-2014	740-110-0010	4-23-2014	Amend	6-1-2014
735-028-0005	4-1-2014	Adopt(T)	5-1-2014	740-110-0010	7-10-2014	Amend	8-1-2014
735-028-0005	6-24-2014	Adopt	8-1-2014	740-200-0010	1-1-2014	Amend	2-1-2014
735-028-0005	7-9-2014	Adopt	8-1-2014	740-200-0020	1-1-2014	Amend	2-1-2014
735-028-0040	4-1-2014	Amend(T)	5-1-2014	740-200-0040	1-1-2014	Amend	2-1-2014
735-028-0040	6-24-2014	Amend	8-1-2014	741-040-0040	12-20-2013	Amend	2-1-2014
735-028-0040	7-9-2014	Amend	8-1-2014	800-010-0020	2-1-2014	Amend	3-1-2014
735-046-0000	5-19-2014	Amend	7-1-2014	800-010-0025	2-1-2014	Amend	3-1-2014
735-050-0120	11-25-2013	Amend	1-1-2014	800-010-0040	2-1-2014	Amend	3-1-2014
735-050-0120(T)	11-25-2013	Repeal	1-1-2014	800-010-0041	2-1-2014	Amend	3-1-2014
735-062-0007	1-1-2014	Amend	2-1-2014	800-010-0050	2-1-2014	Amend	3-1-2014
735-062-0010	1-1-2014	Amend	2-1-2014	800-015-0015	2-1-2014	Amend	3-1-2014
735-062-0385	1-1-2014	Amend	2-1-2014	800-020-0025	2-1-2014	Amend	3-1-2014
735-064-0070	1-1-2014	Amend	2-1-2014	800-020-0065	2-1-2014	Amend	3-1-2014
735-070-0082	1-1-2014	Adopt	2-1-2014	800-025-0020	2-1-2014	Amend	3-1-2014
735-070-0085	11-25-2013	Amend	1-1-2014	800-025-0040	2-1-2014	Amend	3-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
800-025-0060	2-1-2014	Amend	3-1-2014	812-003-0220	1-1-2014	Repeal	2-1-2014
801-001-0035	3-1-2014	Amend	3-1-2014	812-003-0221	1-1-2014	Amend	2-1-2014
801-010-0050	3-1-2014	Amend	3-1-2014	812-003-0240	1-1-2014	Amend	2-1-2014
801-010-0085	3-1-2014	Amend	3-1-2014	812-003-0250	1-1-2014	Amend	2-1-2014
804-003-0000	12-12-2013	Amend	1-1-2014	812-003-0260	1-1-2014	Amend	2-1-2014
804-022-0005	12-12-2013	Amend	1-1-2014	812-003-0260	4-30-2014	Amend	6-1-2014
804-022-0010	12-12-2013	Amend	1-1-2014	812-003-0260	5-5-2014	Amend(T)	6-1-2014
804-025-0010	12-12-2013	Amend	1-1-2014	812-003-0260	7-1-2014	Amend	8-1-2014
806-010-0010	7-24-2014	Amend	9-1-2014	812-003-0260(T)	7-1-2014	Repeal	8-1-2014
806-010-0020	7-24-2014	Amend	9-1-2014	812-003-0290	1-1-2014	Amend	2-1-2014
806-010-0035	1-1-2014	Amend	2-1-2014	812-003-0310	1-1-2014	Amend	2-1-2014
806-010-0040	7-24-2014	Amend	9-1-2014	812-003-0320	1-1-2014	Amend	2-1-2014
806-010-0045	1-1-2014	Amend	2-1-2014	812-003-0340	5-5-2014	Amend(T)	6-1-2014
806-010-0060	5-22-2014	Amend	7-1-2014	812-003-0340	7-1-2014	Amend	8-1-2014
806-010-0075	7-24-2014	Amend	9-1-2014	812-003-0340(T)	7-1-2014	Repeal	8-1-2014
806-010-0105	4-24-2014	Amend	6-1-2014	812-003-0350	5-5-2014	Amend(T)	6-1-2014
806-010-0130	7-24-2014	Amend	9-1-2014	812-003-0350	7-1-2014	Amend	8-1-2014
806-010-0145	4-24-2014	Amend	6-1-2014	812-003-0350(T)	7-1-2014	Repeal	8-1-2014
808-001-0020	4-1-2014	Amend(T)	5-1-2014	812-003-0360	5-5-2014	Amend(T)	6-1-2014
808-002-0240	2-1-2014	Amend	3-1-2014	812-003-0360	7-1-2014	Amend	8-1-2014
808-002-0330	4-1-2014	Amend(T)	5-1-2014	812-003-0360(T)	7-1-2014	Repeal	8-1-2014
808-002-0360	6-1-2014	Amend	7-1-2014	812-003-0370	5-5-2014	Amend(T)	6-1-2014
808-003-0035	3-1-2014	Amend	4-1-2014	812-003-0370	7-1-2014	Amend	8-1-2014
808-003-0040	3-1-2014	Amend	4-1-2014	812-003-0370(T)	7-1-2014	Repeal	8-1-2014
808-003-0040	3-1-2014	Amend(T)	4-1-2014	812-003-0380	5-5-2014	Amend(T)	6-1-2014
808-003-0045	3-1-2014	Amend	4-1-2014	812-003-0380	7-1-2014	Amend	8-1-2014
808-003-0045	3-1-2014	Amend(T)	4-1-2014	812-003-0380(T)	7-1-2014	Repeal	8-1-2014
808-003-0060	3-1-2014	Amend	4-1-2014	812-003-0390	1-1-2014	Amend	2-1-2014
808-003-0065	3-1-2014	Amend(T)	4-1-2014	812-003-0390	4-30-2014	Amend	6-1-2014
808-009-0315	6-1-2014	Adopt	7-1-2014	812-003-0400	1-1-2014	Amend	2-1-2014
811-010-0110	8-11-2014	Amend	9-1-2014	812-003-0430	1-1-2014	Amend	2-1-2014
811-015-0005	11-27-2013	Amend	1-1-2014	812-003-0440	1-1-2014	Amend	2-1-2014
811-015-0005	8-7-2014	Amend	9-1-2014	812-005-0200	4-30-2014	Amend	6-1-2014
811-015-0036	6-4-2014	Repeal	7-1-2014	812-005-0210	4-30-2014	Amend	6-1-2014
811-035-0015	1-29-2014	Amend	3-1-2014	812-005-0250	4-30-2014	Amend	6-1-2014
812-002-0120	1-1-2014	Amend	2-1-2014	812-005-0800	7-1-2014	Amend	8-1-2014
812-002-0120	7-1-2014	Amend	8-1-2014	812-006-0200	5-5-2014	Amend(T)	6-1-2014
812-002-0640	4-30-2014	Amend	6-1-2014	812-006-0200	7-1-2014	Amend	8-1-2014
812-003-0100	4-30-2014	Amend	6-1-2014	812-006-0200(T)	7-1-2014	Repeal	8-1-2014
812-003-0120	7-1-2014	Amend	8-1-2014	812-006-0205	5-5-2014	Adopt(T)	6-1-2014
812-003-0130	1-1-2014	Repeal	2-1-2014	812-006-0205	7-1-2014	Adopt	8-1-2014
812-003-0131	1-1-2014	Amend	2-1-2014	812-006-0205(T)	7-1-2014	Repeal	8-1-2014
812-003-0140	1-1-2014	Repeal	2-1-2014	812-008-0030	1-1-2014	Amend	2-1-2014
812-003-0141	1-1-2014	Repeal	2-1-2014	812-008-0040	1-1-2014	Amend	2-1-2014
812-003-0142	5-5-2014	Adopt(T)	6-1-2014	812-009-0340	7-1-2014	Amend	8-1-2014
812-003-0142	7-1-2014	Adopt	8-1-2014	812-012-0110	1-1-2014	Amend	2-1-2014
812-003-0142(T)	7-1-2014	Repeal	8-1-2014	812-020-0050	7-1-2014	Amend	8-1-2014
812-003-0150	1-1-2014	Repeal	2-1-2014	812-020-0055	7-1-2014	Amend	8-1-2014
812-003-0152	1-1-2014	Amend	2-1-2014	812-020-0060	7-1-2014	Amend	8-1-2014
812-003-0153	1-1-2014	Amend	2-1-2014	812-020-0062	7-1-2014	Amend	8-1-2014
812-003-0160	4-30-2014	Amend	6-1-2014	812-020-0065	7-1-2014	Amend	8-1-2014
812-003-0170	1-1-2014	Repeal	2-1-2014	812-020-0070	7-1-2014	Amend	8-1-2014
812-003-0171	1-1-2014	Amend	2-1-2014	812-020-0071	4-30-2014	Amend	6-1-2014
812-003-0175	1-1-2014	Amend	2-1-2014	812-020-0071	7-1-2014	Amend	8-1-2014
812-003-0180	1-1-2014	Amend	2-1-2014	812-020-0072	7-1-2014	Amend	8-1-2014
812-003-0190	4-30-2014	Amend	6-1-2014	812-020-0080	7-1-2014	Amend	8-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
812-020-0085	7-1-2014	Amend	8-1-2014	812-025-0000	1-1-2014	Amend	2-1-2014
812-020-0087	7-1-2014	Amend	8-1-2014	812-025-0005	1-1-2014	Amend	2-1-2014
812-020-0090	7-1-2014	Amend	8-1-2014	812-025-0010	1-1-2014	Amend	2-1-2014
812-021-0005	1-1-2014	Amend	2-1-2014	812-030-0000	1-1-2014	Amend	2-1-2014
812-021-0021	1-1-2014	Amend	2-1-2014	812-030-0240	1-1-2014	Amend	2-1-2014
812-021-0045	1-1-2014	Amend	2-1-2014	812-032-0000	1-1-2014	Adopt	2-1-2014
812-021-0047	1-1-2014	Amend	2-1-2014	812-032-0000	4-30-2014	Amend	6-1-2014
812-022-0000	4-30-2014	Amend	6-1-2014	812-032-0100	1-1-2014	Adopt	2-1-2014
812-022-0005	4-30-2014	Amend	6-1-2014	812-032-0100	4-30-2014	Amend	6-1-2014
812-022-0010	2-6-2014	Amend	3-1-2014	812-032-0110	1-1-2014	Adopt	2-1-2014
812-022-0010	3-26-2014	Amend(T)	5-1-2014	812-032-0110	4-30-2014	Amend	6-1-2014
812-022-0010	7-1-2014	Amend	8-1-2014	812-032-0120	1-1-2014	Adopt	2-1-2014
812-022-0010(T)	2-6-2014	Repeal	3-1-2014	812-032-0120	4-30-2014	Amend	6-1-2014
812-022-0010(T)	7-1-2014	Repeal	8-1-2014	812-032-0123	1-1-2014	Adopt	2-1-2014
812-022-0010(T)	7-1-2014	Repeal	8-1-2014	812-032-0123	4-30-2014	Amend	6-1-2014
812-022-0011	4-30-2014	Amend	6-1-2014	812-032-0130	1-1-2014	Adopt	2-1-2014
812-022-0015	11-26-2013	Amend(T)	1-1-2014	812-032-0130	4-30-2014	Amend	6-1-2014
812-022-0015	2-6-2014	Amend	3-1-2014	812-032-0135	1-1-2014	Adopt	2-1-2014
812-022-0015	7-1-2014	Amend	8-1-2014	812-032-0135	4-30-2014	Amend	6-1-2014
812-022-0015(T)	2-6-2014	Repeal	3-1-2014	812-032-0140	1-1-2014	Adopt	2-1-2014
812-022-0016	4-30-2014	Amend	6-1-2014	812-032-0140	4-30-2014	Amend	6-1-2014
812-022-0018	4-30-2014	Amend	6-1-2014	812-032-0150	1-1-2014	Adopt	2-1-2014
812-022-0021	11-26-2013	Amend(T)	1-1-2014	812-032-0150	4-30-2014	Amend	6-1-2014
812-022-0021	2-6-2014	Amend	3-1-2014	813-001-0007	12-18-2013	Amend	2-1-2014
812-022-0021	3-26-2014	Amend(T)	5-1-2014	813-001-0007	12-18-2013	Amend	2-1-2014
812-022-0021	7-1-2014	Amend	8-1-2014	813-001-0007	4-17-2014	Amend(T)	6-1-2014
812-022-0021(T)	2-6-2014	Repeal	3-1-2014	813-001-0007(T)	12-18-2013	Amend	2-1-2014
812-022-0021(T)	7-1-2014	Repeal	8-1-2014	813-001-0007(T)	12-18-2013	Repeal	2-1-2014
812-022-0022	3-26-2014	Adopt(T)	5-1-2014	813-005-0001	12-18-2013	Amend	2-1-2014
812-022-0022	7-1-2014	Adopt	8-1-2014	813-005-0001(T)	12-18-2013	Repeal	2-1-2014
812-022-0022(T)	7-1-2014	Repeal	8-1-2014	813-005-0005	12-18-2013	Amend	2-1-2014
812-022-0022(T)	7-1-2014	Repeal	8-1-2014	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

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
813-006-0025	12-18-2013	Amend	2-1-2014	813-051-0040	1-27-2014	Amend(T)	3-1-2014
813-006-0025(T)	12-18-2013	Repeal	2-1-2014	813-051-0040(T)	2-10-2014	Suspend	3-1-2014
813-006-0030	12-18-2013	Amend	2-1-2014	813-051-0050	1-27-2014	Amend(T)	3-1-2014
813-006-0030(T)	12-18-2013	Repeal	2-1-2014	813-051-0050(T)	2-10-2014	Suspend	3-1-2014
813-006-0035	12-18-2013	Repeal	2-1-2014	813-051-0060	1-27-2014	Amend(T)	3-1-2014
813-006-0040	12-18-2013	Adopt	2-1-2014	813-051-0060(T)	2-10-2014	Suspend	3-1-2014
813-006-0040(T)	12-18-2013	Repeal	2-1-2014	813-051-0070	1-27-2014	Amend(T)	3-1-2014
813-046-0000	1-27-2014	Amend(T)	3-1-2014	813-051-0070(T)	2-10-2014	Suspend	3-1-2014
813-046-0000(T)	2-10-2014	Suspend	3-1-2014	813-051-0080	1-27-2014	Amend(T)	3-1-2014
813-046-0011	1-27-2014	Amend(T)	3-1-2014	813-051-0080(T)	2-10-2014	Suspend	3-1-2014
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	6-5-2014	Amend(T)	7-1-2014
813-046-0045	1-27-2014	Amend(T)	3-1-2014	813-055-0001(T)	12-18-2013	Repeal	2-1-2014
813-046-0045(T)	2-10-2014	Suspend	3-1-2014	813-055-0010	12-18-2013	Amend	2-1-2014
813-046-0050	1-27-2014	Amend(T)	3-1-2014	813-055-0010(T)	12-18-2013	Repeal	2-1-2014
813-046-0050(T)	2-10-2014	Suspend	3-1-2014	813-055-0020	12-18-2013	Amend	2-1-2014
813-046-0061	1-27-2014	Amend(T)	3-1-2014	813-055-0020(T)	12-18-2013	Repeal	2-1-2014
813-046-0061(T)	2-10-2014	Suspend	3-1-2014	813-055-0040	12-18-2013	Amend	2-1-2014
813-046-0065	1-27-2014	Amend(T)	3-1-2014	813-055-0040(T)	12-18-2013	Repeal	2-1-2014
813-046-0065(T)	2-10-2014	Suspend	3-1-2014	813-055-0050	12-18-2013	Amend	2-1-2014
813-046-0070	1-27-2014	Amend(T)	3-1-2014	813-055-0050(T)	12-18-2013	Repeal	2-1-2014
813-046-0070(T)	2-10-2014	Suspend	3-1-2014	813-055-0060	12-18-2013	Repeal	2-1-2014
813-046-0081	1-27-2014	Amend(T)	3-1-2014	813-055-0065	12-18-2013	Adopt	2-1-2014
813-046-0081(T)	2-10-2014	Suspend	3-1-2014	813-055-0065(T)	12-18-2013	Repeal	2-1-2014
813-046-0100	1-27-2014	Suspend	3-1-2014	813-055-0075	12-18-2013	Amend	2-1-2014
813-046-0100(T)	2-10-2014	Suspend	3-1-2014	813-055-0075(T)	12-18-2013	Repeal	2-1-2014
813-049-0001	1-27-2014	Amend(T)	3-1-2014	813-055-0085	12-18-2013	Amend	2-1-2014
813-049-0001(T)	2-10-2014	Suspend	3-1-2014	813-055-0085(T)	12-18-2013	Repeal	2-1-2014
813-049-0005	1-27-2014	Amend(T)	3-1-2014	813-055-0095	12-18-2013	Adopt	2-1-2014
813-049-0005(T)	2-10-2014	Suspend	3-1-2014	813-055-0095(T)	12-18-2013	Repeal	2-1-2014
813-049-0007	1-27-2014	Adopt(T)	3-1-2014	813-055-0100	12-18-2013	Repeal	2-1-2014
813-049-0007(T)	2-10-2014	Suspend	3-1-2014	813-055-0105	12-18-2013	Amend	2-1-2014
813-049-0010	1-27-2014	Amend(T)	3-1-2014	813-055-0105(T)	12-18-2013	Repeal	2-1-2014
813-049-0010(T)	2-10-2014	Suspend	3-1-2014	813-055-0110	12-18-2013	Repeal	2-1-2014
813-049-0020	1-27-2014	Amend(T)	3-1-2014	813-055-0115	12-18-2013	Amend	2-1-2014
813-049-0020(T)	2-10-2014	Suspend	3-1-2014	813-055-0115(T)	12-18-2013	Repeal	2-1-2014
813-049-0035	1-27-2014	Adopt(T)	3-1-2014	813-090-0005	6-5-2014	Amend(T)	7-1-2014
813-049-0035(T)	2-10-2014	Suspend	3-1-2014	813-090-0010	6-5-2014	Amend(T)	7-1-2014
813-049-0040	1-27-2014	Adopt(T)	3-1-2014	813-090-0015	6-5-2014	Amend(T)	7-1-2014
813-049-0040(T)	2-10-2014	Suspend	3-1-2014	813-090-0027	6-5-2014	Suspend	7-1-2014
813-049-0050	1-27-2014	Adopt(T)	3-1-2014	813-090-0031	6-5-2014	Amend(T)	7-1-2014
813-049-0050(T)	2-10-2014	Suspend	3-1-2014	813-090-0036	6-5-2014	Amend(T)	7-1-2014
813-049-0060	1-27-2014	Adopt(T)	3-1-2014	813-090-0037	6-5-2014	Amend(T)	7-1-2014
813-049-0060(T)	2-10-2014	Suspend	3-1-2014	813-090-0039	6-5-2014	Amend(T)	7-1-2014
813-051-0000	1-27-2014	Amend(T)	3-1-2014	813-090-0080	6-5-2014	Amend(T)	7-1-2014
813-051-0000(T)	2-10-2014	Suspend	3-1-2014	813-090-0089	6-2-2014	Adopt(T)	7-1-2014
813-051-0010	1-27-2014	Amend(T)	3-1-2014	813-090-0089(T)	6-5-2014	Suspend	7-1-2014
813-051-0010(T)	2-10-2014	Suspend	3-1-2014	813-090-0095	6-2-2014	Amend(T)	7-1-2014
813-051-0020	1-27-2014	Amend(T)	3-1-2014	813-090-0095(T)	6-5-2014	Suspend	7-1-2014
813-051-0020(T)	2-10-2014	Suspend	3-1-2014	813-090-0110	6-5-2014	Adopt(T)	7-1-2014
813-051-0030	1-27-2014	Amend(T)	3-1-2014	813-110-0005	12-18-2013	Amend	2-1-2014
813-051-0030(T)	2-10-2014	Suspend	3-1-2014	813-110-0005	6-5-2014	Amend(T)	7-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
813-110-0005(T)	12-18-2013	Repeal	2-1-2014	813-130-0090(T)	12-18-2013	Repeal	2-1-2014
813-110-0010	12-18-2013	Amend	2-1-2014	813-130-0100	12-18-2013	Amend	2-1-2014
813-110-0010(T)	12-18-2013	Repeal	2-1-2014	813-130-0100(T)	12-18-2013	Repeal	2-1-2014
813-110-0012	12-18-2013	Repeal	2-1-2014	813-130-0110	12-18-2013	Amend	2-1-2014
813-110-0013	12-18-2013	Amend	2-1-2014	813-130-0110(T)	12-18-2013	Repeal	2-1-2014
813-110-0013(T)	12-18-2013	Repeal	2-1-2014	813-130-0120	12-18-2013	Amend	2-1-2014
813-110-0015	12-18-2013	Amend	2-1-2014	813-130-0120(T)	12-18-2013	Repeal	2-1-2014
813-110-0015(T)	12-18-2013	Repeal	2-1-2014	813-130-0130	12-18-2013	Repeal	2-1-2014
813-110-0020	12-18-2013	Amend	2-1-2014	813-130-0140	12-18-2013	Repeal	2-1-2014
813-110-0020(T)	12-18-2013	Repeal	2-1-2014	813-130-0150	12-18-2013	Amend	2-1-2014
813-110-0021	12-18-2013	Amend	2-1-2014	813-130-0150(T)	12-18-2013	Repeal	2-1-2014
813-110-0021(T)	12-18-2013	Repeal	2-1-2014	813-145-0000	1-27-2014	Amend(T)	3-1-2014
813-110-0022	12-18-2013	Amend	2-1-2014	813-145-0000(T)	2-10-2014	Suspend	3-1-2014
813-110-0022(T)	12-18-2013	Repeal	2-1-2014	813-145-0010	1-27-2014	Amend(T)	3-1-2014
813-110-0023	12-18-2013	Repeal	2-1-2014	813-145-0010(T)	2-10-2014	Suspend	3-1-2014
813-110-0025	12-18-2013	Amend	2-1-2014	813-145-0020	1-27-2014	Amend(T)	3-1-2014
813-110-0025(T)	12-18-2013	Repeal	2-1-2014	813-145-0020(T)	2-10-2014	Suspend	3-1-2014
813-110-0026	12-18-2013	Adopt	2-1-2014	813-145-0025	1-27-2014	Adopt(T)	3-1-2014
813-110-0026(T)	12-18-2013	Repeal	2-1-2014	813-145-0025(T)	2-10-2014	Suspend	3-1-2014
813-110-0027	12-18-2013	Adopt	2-1-2014	813-145-0030	1-27-2014	Amend(T)	3-1-2014
813-110-0027(T)	12-18-2013	Repeal	2-1-2014	813-145-0030(T)	2-10-2014	Suspend	3-1-2014
813-110-0030	12-18-2013	Amend	2-1-2014	813-145-0040	1-27-2014	Amend(T)	3-1-2014
813-110-0030(T)	12-18-2013	Repeal	2-1-2014	813-145-0040(T)	2-10-2014	Suspend	3-1-2014
813-110-0032	12-18-2013	Adopt	2-1-2014	813-145-0050	1-27-2014	Amend(T)	3-1-2014
813-110-0032(T)	12-18-2013	Repeal	2-1-2014	813-145-0050(T)	2-10-2014	Suspend	3-1-2014
813-110-0033	12-18-2013	Repeal	2-1-2014	813-145-0060	1-27-2014	Amend(T)	3-1-2014
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

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
813-200-0060(T)	2-10-2014	Suspend	3-1-2014	813-205-0110	12-18-2013	Amend	2-1-2014
813-200-0070	1-27-2014	Adopt(T)	3-1-2014	813-205-0110(T)	12-18-2013	Repeal	2-1-2014
813-200-0070(T)	2-10-2014	Suspend	3-1-2014	813-205-0120	12-18-2013	Amend	2-1-2014
813-202-0001	1-27-2014	Adopt(T)	3-1-2014	813-205-0120(T)	12-18-2013	Repeal	2-1-2014
813-202-0001(T)	2-10-2014	Suspend	3-1-2014	813-205-0130	12-18-2013	Amend	2-1-2014
813-202-0005	1-27-2014	Amend(T)	3-1-2014	813-205-0130(T)	12-18-2013	Repeal	2-1-2014
813-202-0005(T)	2-10-2014	Suspend	3-1-2014	813-205-0140	12-18-2013	Repeal	2-1-2014
813-202-0008	1-27-2014	Adopt(T)	3-1-2014	813-205-0145	12-18-2013	Adopt	2-1-2014
813-202-0008(T)	2-10-2014	Suspend	3-1-2014	813-205-0145(T)	12-18-2013	Repeal	2-1-2014
813-202-0010	1-27-2014	Amend(T)	3-1-2014	813-205-0150	12-18-2013	Adopt	2-1-2014
813-202-0010(T)	2-10-2014	Suspend	3-1-2014	813-205-0150(T)	12-18-2013	Repeal	2-1-2014
813-202-0015	1-27-2014	Suspend	3-1-2014	813-210-0001	1-27-2014	Amend(T)	3-1-2014
813-202-0015(T)	2-10-2014	Suspend	3-1-2014	813-210-0001(T)	2-10-2014	Suspend	3-1-2014
813-202-0017	1-27-2014	Adopt(T)	3-1-2014	813-210-0009	1-27-2014	Amend(T)	3-1-2014
813-202-0017(T)	2-10-2014	Suspend	3-1-2014	813-210-0009(T)	2-10-2014	Suspend	3-1-2014
813-202-0019	1-27-2014	Adopt(T)	3-1-2014	813-210-0010	1-27-2014	Renumber	3-1-2014
813-202-0019(T)	2-10-2014	Suspend	3-1-2014	813-210-0015	1-27-2014	Amend(T)	3-1-2014
813-202-0020	1-27-2014	Amend(T)	3-1-2014	813-210-0015(T)	2-10-2014	Suspend	3-1-2014
813-202-0020(T)	2-10-2014	Suspend	3-1-2014	813-210-0022	1-27-2014	Adopt(T)	3-1-2014
813-202-0030	1-27-2014	Amend(T)	3-1-2014	813-210-0022(T)	2-10-2014	Suspend	3-1-2014
813-202-0030(T)	2-10-2014	Suspend	3-1-2014	813-210-0025	1-27-2014	Amend(T)	3-1-2014
813-202-0040	1-27-2014	Amend(T)	3-1-2014	813-210-0025(T)	2-10-2014	Suspend	3-1-2014
813-202-0040(T)	2-10-2014	Suspend	3-1-2014	813-210-0030	1-27-2014	Renumber	3-1-2014
813-202-0050	1-27-2014	Amend(T)	3-1-2014	813-210-0040	1-27-2014	Suspend	3-1-2014
813-202-0050(T)	2-10-2014	Suspend	3-1-2014	813-210-0040(T)	2-10-2014	Suspend	3-1-2014
813-202-0060	1-27-2014	Amend(T)	3-1-2014	813-210-0050	1-27-2014	Amend(T)	3-1-2014
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

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
813-220-0060(T)	2-10-2014	Suspend	3-1-2014	817-010-0007	3-1-2014	Amend	4-1-2014
813-220-0070	1-27-2014	Suspend	3-1-2014	817-010-0009	3-1-2014	Repeal	4-1-2014
813-220-0070(T)	2-10-2014	Suspend	3-1-2014	817-010-0014	1-1-2014	Amend	2-1-2014
813-220-0080	1-27-2014	Adopt(T)	3-1-2014	817-010-0021	3-1-2014	Amend	4-1-2014
813-220-0080(T)	2-10-2014	Suspend	3-1-2014	817-010-0035	3-1-2014	Amend	4-1-2014
813-240-0001	1-27-2014	Amend(T)	3-1-2014	817-010-0040	3-1-2014	Amend	4-1-2014
813-240-0001(T)	2-10-2014	Suspend	3-1-2014	817-010-0055	3-1-2014	Amend	4-1-2014
813-240-0005	1-27-2014	Amend(T)	3-1-2014	817-010-0060	3-1-2014	Amend	4-1-2014
813-240-0005(T)	2-10-2014	Suspend	3-1-2014	817-010-0065	3-1-2014	Amend	4-1-2014
813-240-0010	1-27-2014	Amend(T)	3-1-2014	817-010-0068	3-1-2014	Amend	4-1-2014
813-240-0010(T)	2-10-2014	Suspend	3-1-2014	817-010-0069	3-1-2014	Amend	4-1-2014
813-240-0015	1-27-2014	Amend(T)	3-1-2014	817-010-0075	3-1-2014	Amend	4-1-2014
813-240-0015(T)	2-10-2014	Suspend	3-1-2014	817-010-0085	3-1-2014	Amend	4-1-2014
813-240-0020	1-27-2014	Amend(T)	3-1-2014	817-010-0095	3-1-2014	Amend	4-1-2014
813-240-0020(T)	2-10-2014	Suspend	3-1-2014	817-010-0101	3-1-2014	Amend	4-1-2014
813-240-0030	1-27-2014	ReNUMBER	3-1-2014	817-010-0106	3-1-2014	Amend	4-1-2014
813-240-0041	1-27-2014	Amend(T)	3-1-2014	817-010-0110	3-1-2014	Amend	4-1-2014
813-240-0041(T)	2-10-2014	Suspend	3-1-2014	817-010-0300	3-1-2014	Repeal	4-1-2014
813-240-0050	1-27-2014	Amend(T)	3-1-2014	817-015-0010	3-1-2014	Repeal	4-1-2014
813-240-0050(T)	2-10-2014	Suspend	3-1-2014	817-015-0030	3-1-2014	Amend	4-1-2014
813-240-0060	1-27-2014	Amend(T)	3-1-2014	817-015-0065	3-1-2014	Amend	4-1-2014
813-240-0060(T)	2-10-2014	Suspend	3-1-2014	817-020-0001	3-1-2014	Amend	4-1-2014
813-240-0070	1-27-2014	Amend(T)	3-1-2014	817-020-0006	3-1-2014	Amend	4-1-2014
813-240-0070(T)	2-10-2014	Suspend	3-1-2014	817-020-0007	3-1-2014	Amend	4-1-2014
813-240-0080	1-27-2014	Amend(T)	3-1-2014	817-020-0009	3-1-2014	Amend	4-1-2014
813-240-0080(T)	2-10-2014	Suspend	3-1-2014	817-020-0305	3-1-2014	Amend	4-1-2014
813-240-0090	1-27-2014	Suspend	3-1-2014	817-020-0325	3-1-2014	Adopt	4-1-2014
813-240-0090(T)	2-10-2014	Suspend	3-1-2014	817-020-0350	3-1-2014	Adopt	4-1-2014
813-250-0000	1-27-2014	Amend(T)	3-1-2014	817-030-0003	3-1-2014	Amend	4-1-2014
813-250-0000(T)	2-10-2014	Suspend	3-1-2014	817-030-0005	3-1-2014	Amend	4-1-2014
813-250-0005	1-27-2014	Adopt(T)	3-1-2014	817-030-0028	1-1-2014	Adopt	2-1-2014
813-250-0005(T)	2-10-2014	Suspend	3-1-2014	817-030-0030	3-1-2014	Amend	4-1-2014
813-250-0015	1-27-2014	Adopt(T)	3-1-2014	817-030-0065	1-1-2014	Amend	2-1-2014
813-250-0015(T)	2-10-2014	Suspend	3-1-2014	817-030-0071	3-1-2014	Amend	4-1-2014
813-250-0020	1-27-2014	Amend(T)	3-1-2014	817-030-0080	3-1-2014	Amend	4-1-2014
813-250-0020(T)	2-10-2014	Suspend	3-1-2014	817-030-0010	3-1-2014	Amend	4-1-2014
813-250-0030	1-27-2014	Amend(T)	3-1-2014	817-035-0010	3-1-2014	Amend	4-1-2014
813-250-0030(T)	2-10-2014	Suspend	3-1-2014	817-035-0048	3-1-2014	Amend	4-1-2014
813-250-0040	1-27-2014	Amend(T)	3-1-2014	817-035-0050	3-1-2014	Amend	4-1-2014
813-250-0040(T)	2-10-2014	Suspend	3-1-2014	817-035-0052	3-1-2014	Amend	4-1-2014
813-250-0055	1-27-2014	Adopt(T)	3-1-2014	817-035-0068	3-1-2014	Amend	4-1-2014
813-250-0055(T)	2-10-2014	Suspend	3-1-2014	817-035-0070	3-1-2014	Amend	4-1-2014
813-250-0060	1-27-2014	Adopt(T)	3-1-2014	817-035-0090	3-1-2014	Amend	4-1-2014
813-250-0060(T)	2-10-2014	Suspend	3-1-2014	817-035-0093	3-1-2014	Adopt	4-1-2014
813-250-0070	1-27-2014	Adopt(T)	3-1-2014	817-035-0095	3-1-2014	Adopt	4-1-2014
813-250-0070(T)	2-10-2014	Suspend	3-1-2014	817-035-0110	3-1-2014	Amend	4-1-2014
813-300-0010	12-18-2013	Amend(T)	2-1-2014	817-060-0010	3-1-2014	Amend	4-1-2014
813-300-0010	6-12-2014	Amend	7-1-2014	817-060-0020	3-1-2014	Amend	4-1-2014
813-360-0000	6-24-2014	Adopt	8-1-2014	817-060-0030	3-1-2014	Amend	4-1-2014
813-360-0010	6-24-2014	Adopt	8-1-2014	817-060-0050	3-1-2014	Amend	4-1-2014
813-360-0020	6-24-2014	Adopt	8-1-2014	817-080-0005	3-1-2014	Repeal	4-1-2014
813-360-0030	6-24-2014	Adopt	8-1-2014	817-090-0025	3-1-2014	Amend	4-1-2014
813-360-0040	6-24-2014	Adopt	8-1-2014	817-090-0045	3-1-2014	Amend	4-1-2014
813-360-0050	6-24-2014	Adopt	8-1-2014	817-090-0050	3-1-2014	Amend	4-1-2014
813-360-0060	6-24-2014	Adopt	8-1-2014	817-090-0055	3-1-2014	Amend	4-1-2014
817-005-0005	3-1-2014	Amend	4-1-2014	817-090-0065	3-1-2014	Amend	4-1-2014
				817-090-0070	3-1-2014	Amend	4-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
817-090-0075	3-1-2014	Amend	4-1-2014	820-010-0228	2-14-2014	Amend(T)	3-1-2014
817-090-0085	3-1-2014	Amend	4-1-2014	820-010-0228	7-16-2014	Amend	9-1-2014
817-090-0090	3-1-2014	Amend	4-1-2014	820-010-0228(T)	12-5-2013	Suspend	1-1-2014
817-090-0105	3-1-2014	Amend	4-1-2014	820-010-0228(T)	12-5-2013	Suspend	1-1-2014
817-090-0110	3-1-2014	Amend	4-1-2014	820-010-0228(T)	7-16-2014	Repeal	9-1-2014
817-090-0115	3-1-2014	Amend	4-1-2014	820-010-0260(T)	12-5-2013	Suspend	1-1-2014
817-100-0005	3-1-2014	Amend	4-1-2014	820-010-0260(T)	12-5-2013	Suspend	1-1-2014
817-120-0005	3-1-2014	Amend	4-1-2014	820-010-0305	12-5-2013	Amend(T)	1-1-2014
818-001-0087	8-1-2014	Amend	8-1-2014	820-010-0305	2-26-2014	Amend	4-1-2014
818-012-0005	8-1-2014	Amend	8-1-2014	820-010-0305(T)	12-5-2013	Suspend	1-1-2014
818-012-0030	8-1-2014	Amend	8-1-2014	820-010-0305(T)	12-5-2013	Suspend	1-1-2014
818-012-0040	8-1-2014	Amend	8-1-2014	820-010-0305(T)	2-26-2014	Repeal	4-1-2014
818-021-0060	8-1-2014	Amend	8-1-2014	820-010-0420	2-14-2014	Amend(T)	3-1-2014
818-021-0070	8-1-2014	Amend	8-1-2014	820-010-0420	7-16-2014	Amend	9-1-2014
818-026-0050	8-1-2014	Amend	8-1-2014	820-010-0420(T)	7-16-2014	Repeal	9-1-2014
818-026-0055	8-1-2014	Amend	8-1-2014	820-010-0442	12-5-2013	Amend(T)	1-1-2014
818-026-0060	8-1-2014	Amend	8-1-2014	820-010-0442	2-26-2014	Amend	4-1-2014
818-026-0065	8-1-2014	Amend	8-1-2014	820-010-0442(T)	12-5-2013	Suspend	1-1-2014
818-026-0070	8-1-2014	Amend	8-1-2014	820-010-0442(T)	12-5-2013	Suspend	1-1-2014
818-035-0025	8-1-2014	Amend	8-1-2014	820-010-0442(T)	2-26-2014	Repeal	4-1-2014
818-035-0030	8-1-2014	Amend	8-1-2014	820-010-0620	12-5-2013	Amend(T)	1-1-2014
818-035-0040	8-1-2014	Amend	8-1-2014	820-010-0620	2-26-2014	Amend	4-1-2014
818-042-0040	8-1-2014	Amend	8-1-2014	820-010-0620(T)	12-5-2013	Suspend	1-1-2014
818-042-0050	8-1-2014	Amend	8-1-2014	820-010-0620(T)	12-5-2013	Suspend	1-1-2014
818-042-0060	8-1-2014	Amend	8-1-2014	820-010-0620(T)	2-26-2014	Repeal	4-1-2014
818-042-0090	8-1-2014	Amend	8-1-2014	820-010-0621	12-5-2013	Amend(T)	1-1-2014
818-042-0120	8-1-2014	Amend	8-1-2014	820-010-0621	2-26-2014	Amend	4-1-2014
818-042-0130	8-1-2014	Amend	8-1-2014	820-010-0621(T)	12-5-2013	Suspend	1-1-2014
820-001-0020	12-5-2013	Amend(T)	1-1-2014	820-010-0621(T)	12-5-2013	Suspend	1-1-2014
820-001-0020	2-26-2014	Amend	4-1-2014	820-010-0621(T)	2-26-2014	Repeal	4-1-2014
820-001-0020(T)	12-5-2013	Suspend	1-1-2014	820-010-0622	7-16-2014	Amend	9-1-2014
820-001-0020(T)	12-5-2013	Suspend	1-1-2014	833-020-0051	1-8-2014	Amend	2-1-2014
820-001-0020(T)	2-26-2014	Repeal	4-1-2014	833-020-0075	7-1-2014	Amend(T)	7-1-2014
820-001-0025	12-5-2013	Amend(T)	1-1-2014	833-040-0021	1-8-2014	Amend	2-1-2014
820-001-0025	2-26-2014	Amend	4-1-2014	833-050-0061	6-11-2014	Amend	7-1-2014
820-001-0030	7-16-2014	Adopt	9-1-2014	833-050-0131	6-11-2014	Amend	7-1-2014
820-001-0035	7-16-2014	Adopt	9-1-2014	833-060-0012	1-8-2014	Amend	2-1-2014
820-001-0040	7-16-2014	Adopt	9-1-2014	833-100-0021	6-11-2014	Amend	7-1-2014
820-010-0010	12-5-2013	Amend(T)	1-1-2014	836-007-0001	12-31-2013	Adopt(T)	2-1-2014
820-010-0010	2-26-2014	Amend	4-1-2014	836-007-0001	6-20-2014	Adopt	8-1-2014
820-010-0010(T)	12-5-2013	Suspend	1-1-2014	836-010-0011	1-1-2014	Amend	2-1-2014
820-010-0010(T)	12-5-2013	Suspend	1-1-2014	836-010-0013	4-24-2014	Adopt(T)	6-1-2014
820-010-0010(T)	2-26-2014	Repeal	4-1-2014	836-010-0051	1-1-2014	Adopt	2-1-2014
820-010-0225	2-14-2014	Amend(T)	3-1-2014	836-010-0150	7-17-2014	Adopt	9-1-2014
820-010-0225	7-16-2014	Amend	9-1-2014	836-011-0000	2-14-2014	Amend	3-1-2014
820-010-0225(T)	7-16-2014	Repeal	9-1-2014	836-011-0050	2-14-2014	Adopt	3-1-2014
820-010-0226	2-14-2014	Amend(T)	3-1-2014	836-020-0770	1-1-2014	Amend	2-1-2014
820-010-0226	7-16-2014	Amend	9-1-2014	836-020-0775	1-1-2014	Amend	2-1-2014
820-010-0226(T)	7-16-2014	Repeal	9-1-2014	836-020-0780	1-1-2014	Amend	2-1-2014
820-010-0227	12-5-2013	Amend(T)	1-1-2014	836-020-0785	1-1-2014	Amend	2-1-2014
820-010-0227	2-14-2014	Amend(T)	3-1-2014	836-020-0806	1-1-2014	Amend	2-1-2014
820-010-0227	7-16-2014	Amend	9-1-2014	836-027-0005	1-1-2014	Amend	2-1-2014
820-010-0227(T)	12-5-2013	Suspend	1-1-2014	836-027-0005	1-8-2014	Amend	2-1-2014
820-010-0227(T)	12-5-2013	Suspend	1-1-2014	836-027-0010	1-1-2014	Amend	2-1-2014
820-010-0227(T)	7-16-2014	Repeal	9-1-2014	836-027-0010	1-8-2014	Amend	2-1-2014
820-010-0228	12-5-2013	Amend(T)	1-1-2014	836-027-0030	1-1-2014	Amend	2-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
836-027-0030	1-8-2014	Amend	2-1-2014	836-053-0473	1-1-2014	Adopt	2-1-2014
836-027-0035	1-1-2014	Amend	2-1-2014	836-053-0475	1-1-2014	Amend	2-1-2014
836-027-0035	1-8-2014	Amend	2-1-2014	836-053-0510	1-1-2014	Amend	2-1-2014
836-027-0045	1-1-2014	Amend	2-1-2014	836-053-0700	1-1-2014	Repeal	2-1-2014
836-027-0045	1-8-2014	Amend	2-1-2014	836-053-0710	1-1-2014	Repeal	2-1-2014
836-027-0050	1-1-2014	Amend	2-1-2014	836-053-0750	1-1-2014	Repeal	2-1-2014
836-027-0050	1-8-2014	Amend	2-1-2014	836-053-0760	1-1-2014	Repeal	2-1-2014
836-027-0100	1-1-2014	Amend	2-1-2014	836-053-0780	1-1-2014	Repeal	2-1-2014
836-027-0100	1-8-2014	Amend	2-1-2014	836-053-0785	1-1-2014	Repeal	2-1-2014
836-027-0125	1-1-2014	Adopt	2-1-2014	836-053-0790	1-1-2014	Repeal	2-1-2014
836-027-0125	1-8-2014	Adopt	2-1-2014	836-053-0800	1-1-2014	Repeal	2-1-2014
836-027-0140	1-1-2014	Adopt	2-1-2014	836-053-0825	1-1-2014	Amend	2-1-2014
836-027-0140	1-8-2014	Adopt	2-1-2014	836-053-0830	1-1-2014	Amend	2-1-2014
836-052-0142	12-5-2013	Amend(T)	1-1-2014	836-053-0835	1-1-2014	Adopt	2-1-2014
836-052-0142	5-19-2014	Amend	7-1-2014	836-053-0851	1-1-2014	Amend	2-1-2014
836-052-0676	1-1-2014	Amend	2-1-2014	836-053-0900	1-1-2014	Amend	2-1-2014
836-052-0800	1-1-2014	Amend	2-1-2014	836-053-0910	1-1-2014	Amend	2-1-2014
836-052-0830	1-1-2014	Repeal	2-1-2014	836-053-1000	1-1-2014	Amend	2-1-2014
836-052-0860	1-1-2014	Amend	2-1-2014	836-053-1020	1-1-2014	Amend	2-1-2014
836-053-0000	1-1-2014	Amend	2-1-2014	836-053-1030	1-1-2014	Amend	2-1-2014
836-053-0001	1-1-2014	Amend	2-1-2014	836-053-1035	1-1-2014	Amend	2-1-2014
836-053-0002	1-1-2014	Adopt	2-1-2014	836-053-1040	1-1-2014	Repeal	2-1-2014
836-053-0003	1-1-2014	Amend	2-1-2014	836-053-1070	1-1-2014	Amend	2-1-2014
836-053-0005	1-1-2014	Amend	2-1-2014	836-053-1080	1-1-2014	Amend	2-1-2014
836-053-0007	1-1-2014	Amend	2-1-2014	836-053-1100	1-1-2014	Amend	2-1-2014
836-053-0008	1-1-2014	Adopt	2-1-2014	836-053-1110	1-1-2014	Amend	2-1-2014
836-053-0009	1-1-2014	Adopt	2-1-2014	836-053-1130	1-1-2014	Amend	2-1-2014
836-053-0021	1-1-2014	Amend	2-1-2014	836-053-1140	1-1-2014	Amend	2-1-2014
836-053-0030	1-1-2014	Amend	2-1-2014	836-053-1170	1-1-2014	Amend	2-1-2014
836-053-0040	1-1-2014	Repeal	2-1-2014	836-053-1180	1-1-2014	Adopt	2-1-2014
836-053-0050	1-1-2014	Amend	2-1-2014	836-053-1190	1-1-2014	Amend	2-1-2014
836-053-0060	1-1-2014	Repeal	2-1-2014	836-053-1200	1-1-2014	Amend	2-1-2014
836-053-0063	1-1-2014	Adopt	2-1-2014	836-053-1315	1-1-2014	Amend	2-1-2014
836-053-0065	1-1-2014	Amend	2-1-2014	836-053-1320	1-1-2014	Amend	2-1-2014
836-053-0066	4-11-2014	Adopt(T)	5-1-2014	836-053-1325	1-1-2014	Amend	2-1-2014
836-053-0070	1-1-2014	Amend	2-1-2014	836-053-1330	1-1-2014	Amend	2-1-2014
836-053-0081	1-1-2014	Repeal	2-1-2014	836-053-1335	1-1-2014	Amend	2-1-2014
836-053-0210	1-1-2014	Repeal	2-1-2014	836-053-1340	1-1-2014	Amend	2-1-2014
836-053-0211	1-1-2014	Adopt	2-1-2014	836-053-1342	1-1-2014	Amend	2-1-2014
836-053-0220	1-1-2014	Repeal	2-1-2014	836-053-1345	1-1-2014	Amend	2-1-2014
836-053-0221	1-1-2014	Adopt	2-1-2014	836-053-1350	1-1-2014	Amend	2-1-2014
836-053-0250	1-1-2014	Repeal	2-1-2014	836-053-1355	1-1-2014	Amend	2-1-2014
836-053-0410	1-1-2014	Amend	2-1-2014	836-053-1360	1-1-2014	Amend	2-1-2014
836-053-0415	1-1-2014	Amend	2-1-2014	836-053-1365	1-1-2014	Amend	2-1-2014
836-053-0430	1-1-2014	Repeal	2-1-2014	836-053-1400	1-1-2014	Amend	2-1-2014
836-053-0431	1-1-2014	Adopt	2-1-2014	836-053-1401	1-1-2014	Repeal	2-1-2014
836-053-0431	2-4-2014	Amend(T)	3-1-2014	836-053-1410	1-1-2014	Amend	2-1-2014
836-053-0431	4-2-2014	Amend(T)	5-1-2014	836-053-1415	1-1-2014	Amend	2-1-2014
836-053-0431	4-16-2014	Amend(T)	6-1-2014	836-071-0267	7-21-2014	Amend	9-1-2014
836-053-0431	7-30-2014	Amend	9-1-2014	836-071-0405	1-1-2014	Adopt	2-1-2014
836-053-0440	1-1-2014	Repeal	2-1-2014	836-071-0410	1-1-2014	Adopt	2-1-2014
836-053-0460	1-1-2014	Repeal	2-1-2014	836-071-0415	1-1-2014	Adopt	2-1-2014
836-053-0465	1-1-2014	Amend	2-1-2014	836-071-0420	1-1-2014	Adopt	2-1-2014
836-053-0465	4-11-2014	Amend(T)	5-1-2014	836-071-0425	1-1-2014	Adopt	2-1-2014
836-053-0471	1-1-2014	Repeal	2-1-2014	836-071-0430	1-1-2014	Adopt	2-1-2014
836-053-0472	1-1-2014	Adopt	2-1-2014	836-075-0045	1-1-2014	Adopt	2-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
836-080-0050	1-1-2014	Amend	2-1-2014	837-012-0550	7-1-2014	Amend	8-1-2014
836-080-0055	1-1-2014	Amend	2-1-2014	837-012-0555	7-1-2014	Amend	8-1-2014
836-080-0080	1-1-2014	Amend	2-1-2014	837-012-0560	7-1-2014	Amend	8-1-2014
836-080-0200	8-15-2014	Adopt	9-1-2014	837-012-0565	7-1-2014	Amend	8-1-2014
836-081-0005	1-1-2014	Amend	2-1-2014	837-012-0570	7-1-2014	Amend	8-1-2014
836-082-0050	1-1-2014	Amend	2-1-2014	837-012-0600	7-1-2014	Amend	8-1-2014
836-082-0055	1-1-2014	Amend	2-1-2014	837-012-0605	7-1-2014	Amend	8-1-2014
836-085-0001	1-1-2014	Amend	2-1-2014	837-012-0610	7-1-2014	Amend	8-1-2014
836-085-0005	1-1-2014	Amend	2-1-2014	837-012-0615	7-1-2014	Amend	8-1-2014
836-085-0010	1-1-2014	Amend	2-1-2014	837-012-0620	7-1-2014	Amend	8-1-2014
836-085-0025	1-1-2014	Amend	2-1-2014	837-012-0625	7-1-2014	Amend	8-1-2014
836-085-0035	1-1-2014	Amend	2-1-2014	837-012-0630	7-1-2014	Amend	8-1-2014
836-085-0045	1-1-2014	Amend	2-1-2014	837-012-0635	7-1-2014	Amend	8-1-2014
836-085-0050	1-1-2014	Amend	2-1-2014	837-012-0640	7-1-2014	Amend	8-1-2014
836-100-0011	1-1-2014	Repeal	2-1-2014	837-012-0645	7-1-2014	Amend	8-1-2014
836-100-0016	1-1-2014	Repeal	2-1-2014	837-012-0650	7-1-2014	Amend	8-1-2014
836-100-0020	1-1-2014	Repeal	2-1-2014	837-012-0655	7-1-2014	Amend	8-1-2014
836-100-0025	1-1-2014	Repeal	2-1-2014	837-012-0660	7-1-2014	Amend	8-1-2014
836-100-0030	1-1-2014	Repeal	2-1-2014	837-012-0665	7-1-2014	Amend	8-1-2014
836-100-0035	1-1-2014	Repeal	2-1-2014	837-012-0670	7-1-2014	Amend	8-1-2014
836-100-0040	1-1-2014	Repeal	2-1-2014	837-012-0675	7-1-2014	Amend	8-1-2014
836-100-0045	1-1-2014	Repeal	2-1-2014	837-012-0700	7-1-2014	Amend	8-1-2014
836-100-0100	1-1-2014	Amend	2-1-2014	837-012-0710	7-1-2014	Amend	8-1-2014
836-100-0105	1-1-2014	Amend	2-1-2014	837-012-0720	7-1-2014	Amend	8-1-2014
836-100-0110	1-1-2014	Amend	2-1-2014	837-012-0730	7-1-2014	Amend	8-1-2014
836-100-0115	1-1-2014	Amend	2-1-2014	837-012-0740	7-1-2014	Amend	8-1-2014
836-200-0400	1-2-2014	Adopt(T)	2-1-2014	837-012-0750	7-1-2014	Amend	8-1-2014
836-200-0401	7-21-2014	Adopt	9-1-2014	837-012-0760	7-1-2014	Amend	8-1-2014
836-200-0405	1-2-2014	Adopt(T)	2-1-2014	837-012-0770	7-1-2014	Amend	8-1-2014
836-200-0406	7-21-2014	Adopt	9-1-2014	837-012-0780	7-1-2014	Amend	8-1-2014
836-200-0410	1-2-2014	Adopt(T)	2-1-2014	837-012-0790	7-1-2014	Amend	8-1-2014
836-200-0411	7-21-2014	Adopt	9-1-2014	837-012-0800	7-1-2014	Amend	8-1-2014
836-200-0415	1-2-2014	Adopt(T)	2-1-2014	837-012-0810	7-1-2014	Amend	8-1-2014
836-200-0416	7-21-2014	Adopt	9-1-2014	837-012-0820	7-1-2014	Amend	8-1-2014
836-200-0420	1-2-2014	Adopt(T)	2-1-2014	837-012-0830	7-1-2014	Amend	8-1-2014
836-200-0421	7-21-2014	Adopt	9-1-2014	837-012-0835	7-1-2014	Amend	8-1-2014
837-012-0305	7-1-2014	Amend	8-1-2014	837-012-0840	7-1-2014	Amend	8-1-2014
837-012-0310	7-1-2014	Amend	8-1-2014	837-012-0850	7-1-2014	Amend	8-1-2014
837-012-0315	7-1-2014	Amend	8-1-2014	837-012-0855	7-1-2014	Amend	8-1-2014
837-012-0320	7-1-2014	Amend	8-1-2014	837-012-0860	7-1-2014	Amend	8-1-2014
837-012-0325	7-1-2014	Amend	8-1-2014	837-012-0865	7-1-2014	Amend	8-1-2014
837-012-0330	7-1-2014	Amend	8-1-2014	837-012-0870	7-1-2014	Amend	8-1-2014
837-012-0340	7-1-2014	Amend	8-1-2014	837-012-0875	7-1-2014	Amend	8-1-2014
837-012-0350	7-1-2014	Amend	8-1-2014	837-012-0880	7-1-2014	Amend	8-1-2014
837-012-0360	7-1-2014	Amend	8-1-2014	837-012-0890	7-1-2014	Amend	8-1-2014
837-012-0370	7-1-2014	Amend	8-1-2014	837-012-0900	7-1-2014	Amend	8-1-2014
837-012-0500	7-1-2014	Amend	8-1-2014	837-012-0910	7-1-2014	Amend	8-1-2014
837-012-0505	7-1-2014	Amend	8-1-2014	837-012-0920	7-1-2014	Amend	8-1-2014
837-012-0510	7-1-2014	Amend	8-1-2014	837-012-0930	7-1-2014	Repeal	8-1-2014
837-012-0515	7-1-2014	Amend	8-1-2014	837-012-0940	7-1-2014	Amend	8-1-2014
837-012-0520	7-1-2014	Amend	8-1-2014	837-012-0950	7-1-2014	Amend	8-1-2014
837-012-0525	7-1-2014	Amend	8-1-2014	837-012-0960	7-1-2014	Amend	8-1-2014
837-012-0530	7-1-2014	Amend	8-1-2014	837-012-0970	7-1-2014	Amend	8-1-2014
837-012-0535	7-1-2014	Amend	8-1-2014	837-012-1000	7-1-2014	Amend	8-1-2014
837-012-0540	7-1-2014	Amend	8-1-2014	837-012-1010	7-1-2014	Amend	8-1-2014
837-012-0545	7-1-2014	Amend	8-1-2014	837-012-1020	7-1-2014	Amend	8-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
837-012-1030	7-1-2014	Amend	8-1-2014	839-006-0291	12-30-2013	Adopt	2-1-2014
837-012-1040	7-1-2014	Amend	8-1-2014	839-006-0292	12-30-2013	Adopt	2-1-2014
837-012-1050	7-1-2014	Amend	8-1-2014	839-006-0295	12-30-2013	Amend	2-1-2014
837-012-1060	7-1-2014	Amend	8-1-2014	839-006-0305	12-30-2013	Amend	2-1-2014
837-012-1070	7-1-2014	Amend	8-1-2014	839-006-0307	12-30-2013	Am. & Ren.	2-1-2014
837-012-1080	7-1-2014	Amend	8-1-2014	839-006-0332	12-30-2013	Renumber	2-1-2014
837-012-1090	7-1-2014	Amend	8-1-2014	839-006-0345	12-30-2013	Adopt	2-1-2014
837-012-1100	7-1-2014	Amend	8-1-2014	839-006-0450	12-16-2013	Amend(T)	1-1-2014
837-012-1110	7-1-2014	Amend	8-1-2014	839-006-0450	2-19-2014	Amend(T)	4-1-2014
837-012-1120	7-1-2014	Amend	8-1-2014	839-006-0450	5-30-2014	Amend	7-1-2014
837-012-1130	7-1-2014	Amend	8-1-2014	839-006-0450(T)	2-19-2014	Suspend	4-1-2014
837-012-1140	7-1-2014	Amend	8-1-2014	839-009-0210	12-31-2013	Amend	2-1-2014
837-012-1150	7-1-2014	Amend	8-1-2014	839-009-0230	12-31-2013	Amend	2-1-2014
837-012-1160	7-1-2014	Amend	8-1-2014	839-009-0240	12-31-2013	Amend	2-1-2014
837-040-0010	7-1-2014	Amend	6-1-2014	839-009-0250	12-31-2013	Amend	2-1-2014
837-040-0020	7-1-2014	Amend	6-1-2014	839-009-0270	12-31-2013	Amend	2-1-2014
837-040-0140	7-1-2014	Amend	6-1-2014	839-009-0280	12-31-2013	Amend	2-1-2014
837-085-0040	1-9-2014	Amend	2-1-2014	839-009-0325	12-31-2013	Amend	2-1-2014
837-085-0090	1-9-2014	Amend	2-1-2014	839-009-0330	12-31-2013	Amend	2-1-2014
837-085-0280	1-9-2014	Amend	2-1-2014	839-009-0340	12-31-2013	Amend	2-1-2014
837-090-1030	7-1-2014	Amend	8-1-2014	839-009-0345	12-31-2013	Amend	2-1-2014
839-001-0300	5-5-2014	Amend	6-1-2014	839-009-0362	12-31-2013	Amend	2-1-2014
839-001-0440	1-1-2014	Amend	2-1-2014	839-009-0363	12-31-2013	Amend	2-1-2014
839-001-0450	1-1-2014	Amend	2-1-2014	839-009-0380	12-31-2013	Amend	2-1-2014
839-003-0005	12-30-2013	Amend	2-1-2014	839-009-0390	12-31-2013	Amend	2-1-2014
839-003-0020	12-30-2013	Amend	2-1-2014	839-009-0430	12-31-2013	Amend	2-1-2014
839-003-0031	12-30-2013	Amend	2-1-2014	839-010-0000	12-30-2013	Amend	2-1-2014
839-003-0090	12-30-2013	Amend	2-1-2014	839-010-0300	12-30-2013	Adopt	2-1-2014
839-003-0100	12-30-2013	Amend	2-1-2014	839-010-0305	12-30-2013	Adopt	2-1-2014
839-003-0235	12-30-2013	Amend	2-1-2014	839-010-0310	12-30-2013	Adopt	2-1-2014
839-003-0245	12-30-2013	Amend	2-1-2014	839-015-0155	1-21-2014	Amend(T)	3-1-2014
839-005-0003	12-30-2013	Amend	2-1-2014	839-015-0155	4-10-2014	Amend	5-1-2014
839-005-0011	12-30-2013	Amend	2-1-2014	839-019-0004	1-1-2014	Amend	2-1-2014
839-005-0030	12-30-2013	Amend	2-1-2014	839-019-0010	1-1-2014	Amend	2-1-2014
839-005-0060	12-30-2013	Amend	2-1-2014	839-019-0100	1-1-2014	Amend	2-1-2014
839-005-0065	12-30-2013	Amend	2-1-2014	839-020-0004	1-1-2014	Amend	2-1-2014
839-005-0070	12-30-2013	Amend	2-1-2014	839-020-0025	1-1-2014	Amend	2-1-2014
839-005-0075	12-30-2013	Amend	2-1-2014	839-020-0040	1-1-2014	Amend	2-1-2014
839-005-0080	12-30-2013	Amend	2-1-2014	839-020-0050	1-1-2014	Amend	2-1-2014
839-005-0085	12-30-2013	Amend	2-1-2014	839-020-0070	1-1-2014	Amend	2-1-2014
839-005-0160	12-30-2013	Amend	2-1-2014	839-020-1010	1-1-2014	Amend	2-1-2014
839-005-0170	12-30-2013	Amend	2-1-2014	839-021-0006	1-1-2014	Amend	2-1-2014
839-005-0200	12-30-2013	Amend	2-1-2014	839-021-0067	1-1-2014	Amend	2-1-2014
839-005-0205	7-3-2014	Amend	8-1-2014	839-021-0070	1-1-2014	Amend	2-1-2014
839-005-0206	12-30-2013	Amend	2-1-2014	839-021-0072	1-1-2014	Amend	2-1-2014
839-005-0300	12-30-2013	Adopt	2-1-2014	839-021-0087	1-1-2014	Amend	2-1-2014
839-005-0305	12-30-2013	Adopt	2-1-2014	839-021-0097	1-1-2014	Amend	2-1-2014
839-005-0310	12-30-2013	Adopt	2-1-2014	839-021-0102	1-1-2014	Amend	2-1-2014
839-005-0315	12-30-2013	Adopt	2-1-2014	839-021-0104	1-1-2014	Amend	2-1-2014
839-005-0320	12-30-2013	Adopt	2-1-2014	839-021-0175	1-1-2014	Amend	2-1-2014
839-005-0325	12-30-2013	Adopt	2-1-2014	839-021-0220	1-1-2014	Amend	2-1-2014
839-005-0400	12-30-2013	Adopt	2-1-2014	839-021-0221	1-1-2014	Amend	2-1-2014
839-006-0205	12-30-2013	Amend	2-1-2014	839-021-0246	1-1-2014	Amend	2-1-2014
839-006-0212	12-30-2013	Amend	2-1-2014	839-021-0248	1-1-2014	Amend	2-1-2014
839-006-0270	12-30-2013	Amend	2-1-2014	839-021-0255	1-1-2014	Amend	2-1-2014
839-006-0290	12-30-2013	Amend	2-1-2014	839-021-0265	1-1-2014	Amend	2-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
839-021-0280	1-1-2014	Amend	2-1-2014	839-050-0080	4-15-2014	Amend	5-1-2014
839-021-0290	1-1-2014	Amend	2-1-2014	839-050-0090	4-15-2014	Amend	5-1-2014
839-021-0292	1-1-2014	Amend	2-1-2014	839-050-0100	4-15-2014	Amend	5-1-2014
839-021-0294	1-1-2014	Amend	2-1-2014	839-050-0110	4-15-2014	Amend	5-1-2014
839-021-0297	1-1-2014	Amend	2-1-2014	839-050-0120	4-15-2014	Amend	5-1-2014
839-021-0315	1-1-2014	Amend	2-1-2014	839-050-0130	4-15-2014	Amend	5-1-2014
839-021-0320	1-1-2014	Amend	2-1-2014	839-050-0140	4-15-2014	Amend	5-1-2014
839-021-0325	1-1-2014	Amend	2-1-2014	839-050-0150	4-15-2014	Amend	5-1-2014
839-021-0330	1-1-2014	Amend	2-1-2014	839-050-0160	4-15-2014	Amend	5-1-2014
839-021-0335	1-1-2014	Amend	2-1-2014	839-050-0170	4-15-2014	Amend	5-1-2014
839-021-0340	1-1-2014	Amend	2-1-2014	839-050-0180	4-15-2014	Amend	5-1-2014
839-021-0345	1-1-2014	Amend	2-1-2014	839-050-0190	4-15-2014	Amend	5-1-2014
839-021-0350	1-1-2014	Amend	2-1-2014	839-050-0200	4-15-2014	Amend	5-1-2014
839-021-0355	1-1-2014	Amend	2-1-2014	839-050-0210	4-15-2014	Amend	5-1-2014
839-021-0360	1-1-2014	Amend	2-1-2014	839-050-0220	4-15-2014	Amend	5-1-2014
839-021-0365	1-1-2014	Amend	2-1-2014	839-050-0230	4-15-2014	Amend	5-1-2014
839-021-0370	1-1-2014	Amend	2-1-2014	839-050-0240	4-15-2014	Amend	5-1-2014
839-021-0490	1-1-2014	Amend	2-1-2014	839-050-0250	4-15-2014	Amend	5-1-2014
839-022-0000	1-1-2014	Repeal	2-1-2014	839-050-0255	4-15-2014	Amend	5-1-2014
839-022-0010	1-1-2014	Repeal	2-1-2014	839-050-0260	4-15-2014	Amend	5-1-2014
839-022-0100	1-1-2014	Repeal	2-1-2014	839-050-0270	4-15-2014	Amend	5-1-2014
839-022-0105	1-1-2014	Repeal	2-1-2014	839-050-0280	4-15-2014	Amend	5-1-2014
839-022-0110	1-1-2014	Repeal	2-1-2014	839-050-0290	4-15-2014	Amend	5-1-2014
839-022-0115	1-1-2014	Repeal	2-1-2014	839-050-0300	4-15-2014	Amend	5-1-2014
839-022-0120	1-1-2014	Repeal	2-1-2014	839-050-0310	4-15-2014	Amend	5-1-2014
839-022-0125	1-1-2014	Repeal	2-1-2014	839-050-0320	4-15-2014	Amend	5-1-2014
839-022-0130	1-1-2014	Repeal	2-1-2014	839-050-0330	4-15-2014	Amend	5-1-2014
839-022-0135	1-1-2014	Repeal	2-1-2014	839-050-0340	4-15-2014	Amend	5-1-2014
839-022-0140	1-1-2014	Repeal	2-1-2014	839-050-0350	4-15-2014	Amend	5-1-2014
839-022-0145	1-1-2014	Repeal	2-1-2014	839-050-0360	4-15-2014	Amend	5-1-2014
839-022-0150	1-1-2014	Repeal	2-1-2014	839-050-0370	4-15-2014	Amend	5-1-2014
839-022-0155	1-1-2014	Repeal	2-1-2014	839-050-0380	4-15-2014	Amend	5-1-2014
839-022-0160	1-1-2014	Repeal	2-1-2014	839-050-0400	4-15-2014	Amend	5-1-2014
839-022-0165	1-1-2014	Repeal	2-1-2014	839-050-0410	4-15-2014	Amend	5-1-2014
839-025-0004	1-1-2014	Amend	2-1-2014	839-050-0420	4-15-2014	Amend	5-1-2014
839-025-0010	1-1-2014	Amend	2-1-2014	839-050-0430	4-15-2014	Amend	5-1-2014
839-025-0013	1-1-2014	Amend	2-1-2014	839-050-0440	4-15-2014	Amend	5-1-2014
839-025-0020	1-1-2014	Amend	2-1-2014	839-050-0445	4-15-2014	Amend	5-1-2014
839-025-0035	1-1-2014	Amend	2-1-2014	845-004-0001	1-1-2014	Amend	1-1-2014
839-025-0043	1-1-2014	Amend	2-1-2014	845-005-0311	1-1-2014	Amend	1-1-2014
839-025-0085	1-1-2014	Amend	2-1-2014	845-005-0325	8-15-2014	Amend	9-1-2014
839-025-0090	1-1-2014	Amend	2-1-2014	845-005-0329	6-1-2014	Adopt	6-1-2014
839-025-0095	1-1-2014	Amend	2-1-2014	845-005-0331	6-1-2014	Amend	6-1-2014
839-025-0230	1-1-2014	Amend	2-1-2014	845-005-0431	3-1-2014	Amend	3-1-2014
839-025-0530	1-1-2014	Amend	2-1-2014	845-005-0440	3-1-2014	Amend	3-1-2014
839-025-0700	1-1-2014	Amend	2-1-2014	845-006-0309	6-1-2014	Adopt	6-1-2014
839-025-0700	4-2-2014	Amend	5-1-2014	845-006-0335	1-1-2014	Amend	1-1-2014
839-025-0700	7-1-2014	Amend	7-1-2014	845-006-0392	1-1-2014	Amend	1-1-2014
839-050-0000	4-15-2014	Amend	5-1-2014	845-006-0396	1-1-2014	Amend	1-1-2014
839-050-0010	4-15-2014	Amend	5-1-2014	845-006-0452	3-1-2014	Amend	3-1-2014
839-050-0020	4-15-2014	Amend	5-1-2014	845-009-0020	9-1-2014	Amend	9-1-2014
839-050-0030	4-15-2014	Amend	5-1-2014	845-009-0130	6-1-2014	Amend	6-1-2014
839-050-0040	4-15-2014	Amend	5-1-2014	845-013-0001	1-1-2014	Amend	1-1-2014
839-050-0050	4-15-2014	Amend	5-1-2014	845-013-0030	8-15-2014	Amend	9-1-2014
839-050-0060	4-15-2014	Amend	5-1-2014	845-020-0020	5-1-2014	Amend	5-1-2014
839-050-0070	4-15-2014	Amend	5-1-2014	847-001-0024	1-14-2014	Adopt	2-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
847-001-0045	4-9-2014	Adopt	5-1-2014	851-050-0005	7-1-2014	Amend(T)	8-1-2014
847-005-0005	4-9-2014	Amend	5-1-2014	851-054-0010	1-1-2014	Amend	1-1-2014
847-008-0003	4-9-2014	Amend	5-1-2014	851-054-0020	1-1-2014	Amend	1-1-2014
847-008-0070	1-14-2014	Amend	2-1-2014	851-054-0021	1-1-2014	Amend	1-1-2014
847-010-0053	1-14-2014	Repeal	2-1-2014	851-054-0030	1-1-2014	Adopt	1-1-2014
847-010-0060	1-14-2014	Amend	2-1-2014	851-054-0035	1-1-2014	Adopt	1-1-2014
847-020-0110	1-14-2014	Amend	2-1-2014	851-054-0040	1-1-2014	Amend	1-1-2014
847-020-0183	4-9-2014	Amend	5-1-2014	851-056-0020	1-1-2014	Amend	1-1-2014
847-050-0020	1-14-2014	Amend	2-1-2014	851-056-0022	1-1-2014	Amend	1-1-2014
847-050-0023	1-14-2014	Amend	2-1-2014	851-061-0020	1-1-2014	Amend	1-1-2014
847-050-0025	1-14-2014	Amend	2-1-2014	851-061-0030	1-1-2014	Amend	1-1-2014
847-050-0026	1-14-2014	Repeal	2-1-2014	851-061-0080	1-1-2014	Amend	1-1-2014
847-050-0043	4-9-2014	Amend	5-1-2014	851-061-0090	1-1-2014	Amend	1-1-2014
847-070-0019	1-14-2014	Amend	2-1-2014	851-062-0010	1-1-2014	Amend	1-1-2014
847-070-0036	1-14-2014	Repeal	2-1-2014	851-062-0010	8-1-2014	Amend	8-1-2014
847-070-0037	1-14-2014	Amend	2-1-2014	851-062-0050	1-1-2014	Amend	1-1-2014
847-070-0045	4-9-2014	Amend	5-1-2014	851-062-0050	8-1-2014	Amend	8-1-2014
847-080-0002	1-14-2014	Amend	2-1-2014	851-062-0080	1-1-2014	Amend	1-1-2014
847-080-0021	4-9-2014	Amend	5-1-2014	851-062-0130	1-1-2014	Amend	1-1-2014
848-001-0005	1-1-2014	Amend	1-1-2014	851-070-0005	4-1-2014	Amend	4-1-2014
848-005-0020	1-1-2014	Amend	1-1-2014	851-070-0040	4-1-2014	Amend	4-1-2014
848-005-0030	1-1-2014	Amend	1-1-2014	851-070-0080	4-1-2014	Amend	4-1-2014
848-010-0010	1-1-2014	Amend	1-1-2014	851-070-0090	4-1-2014	Amend	4-1-2014
848-010-0015	1-1-2014	Amend	1-1-2014	851-070-0100	4-1-2014	Amend	4-1-2014
848-010-0020	1-1-2014	Amend	1-1-2014	852-010-0080	1-3-2014	Amend	2-1-2014
848-010-0026	1-1-2014	Amend	1-1-2014	852-050-0005	1-3-2014	Amend	2-1-2014
848-010-0033	1-1-2014	Amend	1-1-2014	852-050-0016	1-3-2014	Amend	2-1-2014
848-010-0035	1-1-2014	Amend	1-1-2014	855-007-0080	1-24-2014	Amend	3-1-2014
848-010-0044	1-1-2014	Amend	1-1-2014	855-011-0020	1-24-2014	Amend	3-1-2014
848-015-0030	1-1-2014	Amend	1-1-2014	855-019-0130	4-25-2014	Amend(T)	6-1-2014
848-020-0000	1-1-2014	Amend	1-1-2014	855-019-0150	2-28-2014	Amend(T)	4-1-2014
848-020-0060	1-1-2014	Amend	1-1-2014	855-019-0150	6-18-2014	Amend	8-1-2014
848-035-0010	4-1-2014	Amend	4-1-2014	855-019-0205	1-24-2014	Amend	3-1-2014
848-035-0015	4-1-2014	Amend	4-1-2014	855-019-0270	1-24-2014	Amend	3-1-2014
848-035-0020	4-1-2014	Amend	4-1-2014	855-019-0280	1-24-2014	Amend	3-1-2014
848-035-0030	4-1-2014	Amend	4-1-2014	855-041-1001	1-24-2014	Adopt	3-1-2014
848-035-0035	4-1-2014	Amend	4-1-2014	855-041-1030	1-24-2014	Amend	3-1-2014
848-035-0040	4-1-2014	Amend	4-1-2014	855-041-1105	1-24-2014	Amend	3-1-2014
848-040-0105	1-1-2014	Amend	1-1-2014	855-041-2300	1-24-2014	Adopt	3-1-2014
848-040-0110	1-1-2014	Amend	1-1-2014	855-041-2300(T)	1-24-2014	Repeal	3-1-2014
848-040-0117	1-1-2014	Amend	1-1-2014	855-041-2310	1-24-2014	Adopt	3-1-2014
848-040-0147	1-1-2014	Amend	1-1-2014	855-041-2310(T)	1-24-2014	Repeal	3-1-2014
848-040-0150	1-1-2014	Amend	1-1-2014	855-041-2320	1-24-2014	Adopt	3-1-2014
848-045-0010	1-1-2014	Amend	1-1-2014	855-041-2320(T)	1-24-2014	Repeal	3-1-2014
850-030-0035	7-10-2014	Amend	8-1-2014	855-041-2330	1-24-2014	Adopt	3-1-2014
850-035-0230	7-10-2014	Amend	8-1-2014	855-041-2330(T)	1-24-2014	Repeal	3-1-2014
850-060-0226	4-9-2014	Amend	5-1-2014	855-041-4200	1-3-2014	Amend	2-1-2014
850-060-0226	7-10-2014	Amend	8-1-2014	855-080-0021	12-20-2013	Amend(T)	2-1-2014
851-021-0005	1-1-2014	Amend	1-1-2014	855-080-0021	2-28-2014	Amend(T)	4-1-2014
851-021-0010	1-1-2014	Amend	1-1-2014	855-080-0021	4-15-2014	Amend(T)	5-1-2014
851-021-0025	1-1-2014	Amend	1-1-2014	855-080-0021	6-18-2014	Amend	8-1-2014
851-021-0050	1-1-2014	Amend	1-1-2014	855-110-0005	1-3-2014	Amend	2-1-2014
851-021-0120	1-1-2014	Amend	1-1-2014	855-110-0007	1-3-2014	Amend	2-1-2014
851-050-0000	1-1-2014	Amend	1-1-2014	856-010-0003	1-23-2014	Amend	3-1-2014
851-050-0001	1-1-2014	Amend	1-1-2014	856-010-0006	1-23-2014	Adopt	3-1-2014
851-050-0002	1-1-2014	Amend	1-1-2014	856-010-0010	5-23-2014	Amend(T)	7-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
856-010-0011	5-23-2014	Amend(T)	7-1-2014	860-027-0005	5-28-2014	Amend	7-1-2014
856-010-0012	5-23-2014	Amend(T)	7-1-2014	860-027-0015	5-28-2014	Amend	7-1-2014
858-010-0036	3-24-2014	Amend	5-1-2014	860-027-0045	5-28-2014	Amend	7-1-2014
858-010-0075	6-2-2014	Amend	7-1-2014	860-027-0070	5-28-2014	Amend	7-1-2014
858-040-0015	1-1-2015	Amend	7-1-2014	860-032-0012	1-22-2014	Amend	3-1-2014
858-040-0020	1-1-2015	Am. & Ren.	7-1-2014	860-033-0001	12-20-2013	Amend	2-1-2014
858-040-0025	1-1-2015	Amend	7-1-2014	860-033-0001(T)	12-20-2013	Repeal	2-1-2014
858-040-0026	1-1-2015	Amend	7-1-2014	860-033-0005	12-20-2013	Amend	2-1-2014
858-040-0035	1-1-2015	Amend	7-1-2014	860-033-0005(T)	12-20-2013	Repeal	2-1-2014
858-040-0036	1-1-2015	Amend	7-1-2014	860-033-0006	12-20-2013	Amend	2-1-2014
858-040-0055	1-1-2015	Amend	7-1-2014	860-033-0006(T)	12-20-2013	Repeal	2-1-2014
858-040-0065	1-1-2015	Amend	7-1-2014	860-033-0007	12-20-2013	Amend	2-1-2014
859-200-0005	3-5-2014	Adopt	4-1-2014	860-033-0007(T)	12-20-2013	Repeal	2-1-2014
859-200-0010	3-5-2014	Adopt	4-1-2014	860-033-0010	12-20-2013	Amend	2-1-2014
859-200-0015	3-5-2014	Adopt	4-1-2014	860-033-0010(T)	12-20-2013	Repeal	2-1-2014
859-200-0020	3-5-2014	Adopt	4-1-2014	860-033-0030	12-20-2013	Amend	2-1-2014
859-200-0025	3-5-2014	Adopt	4-1-2014	860-033-0030(T)	12-20-2013	Repeal	2-1-2014
859-200-0030	3-5-2014	Adopt	4-1-2014	860-033-0035	12-20-2013	Amend	2-1-2014
859-200-0035	3-5-2014	Adopt	4-1-2014	860-033-0035(T)	12-20-2013	Repeal	2-1-2014
859-200-0040	3-5-2014	Adopt	4-1-2014	860-033-0040	12-20-2013	Amend	2-1-2014
859-200-0045	3-5-2014	Adopt	4-1-2014	860-033-0040(T)	12-20-2013	Repeal	2-1-2014
859-200-0050	3-5-2014	Adopt	4-1-2014	860-033-0045	12-20-2013	Amend	2-1-2014
859-200-0055	3-5-2014	Adopt	4-1-2014	860-033-0045(T)	12-20-2013	Repeal	2-1-2014
859-200-0060	3-5-2014	Adopt	4-1-2014	860-033-0046	12-20-2013	Amend	2-1-2014
859-200-0065	3-5-2014	Adopt	4-1-2014	860-033-0046(T)	12-20-2013	Repeal	2-1-2014
859-200-0070	3-5-2014	Adopt	4-1-2014	860-033-0050	12-20-2013	Amend	2-1-2014
859-200-0075	3-5-2014	Adopt	4-1-2014	860-033-0050(T)	12-20-2013	Repeal	2-1-2014
859-200-0080	3-5-2014	Adopt	4-1-2014	860-033-0055	12-20-2013	Repeal	2-1-2014
859-200-0085	3-5-2014	Adopt	4-1-2014	860-033-0100	12-20-2013	Amend	2-1-2014
859-200-0090	3-5-2014	Adopt	4-1-2014	860-033-0100(T)	12-20-2013	Repeal	2-1-2014
859-200-0095	3-5-2014	Adopt	4-1-2014	860-033-0110	12-20-2013	Adopt	2-1-2014
859-200-0100	3-5-2014	Adopt	4-1-2014	860-033-0110(T)	12-20-2013	Repeal	2-1-2014
859-200-0105	3-5-2014	Adopt	4-1-2014	860-033-0530	12-20-2013	Amend	2-1-2014
859-200-0110	3-5-2014	Adopt	4-1-2014	860-033-0530(T)	12-20-2013	Repeal	2-1-2014
859-200-0115	3-5-2014	Adopt	4-1-2014	860-033-0535	12-20-2013	Amend	2-1-2014
859-200-0120	3-5-2014	Adopt	4-1-2014	860-033-0535(T)	12-20-2013	Repeal	2-1-2014
859-200-0125	3-5-2014	Adopt	4-1-2014	860-033-0536	12-20-2013	Amend	2-1-2014
859-200-0130	3-5-2014	Adopt	4-1-2014	860-033-0536(T)	12-20-2013	Repeal	2-1-2014
859-200-0135	3-5-2014	Adopt	4-1-2014	860-033-0537	12-20-2013	Amend	2-1-2014
859-200-0140	3-5-2014	Adopt	4-1-2014	860-033-0537(T)	12-20-2013	Repeal	2-1-2014
859-200-0145	3-5-2014	Adopt	4-1-2014	860-033-0540	12-20-2013	Amend	2-1-2014
859-200-0150	3-5-2014	Adopt	4-1-2014	860-033-0540(T)	12-20-2013	Repeal	2-1-2014
859-200-0200	3-5-2014	Adopt	4-1-2014	860-034-0130	6-26-2014	Amend	8-1-2014
859-200-0205	3-5-2014	Adopt	4-1-2014	860-034-0390	1-22-2014	Amend	3-1-2014
859-200-0210	3-5-2014	Adopt	4-1-2014	860-036-0135	6-26-2014	Amend	8-1-2014
859-200-0215	3-5-2014	Adopt	4-1-2014	860-037-0120	6-26-2014	Amend	8-1-2014
859-200-0220	3-5-2014	Adopt	4-1-2014	860-038-0005	3-7-2014	Amend	4-1-2014
859-200-0225	3-5-2014	Adopt	4-1-2014	860-038-0300	3-7-2014	Amend	4-1-2014
859-200-0230	3-5-2014	Adopt	4-1-2014	863-003-0000	4-28-2014	Adopt	5-1-2014
859-200-0235	3-5-2014	Adopt	4-1-2014	863-003-0005	4-28-2014	Adopt	5-1-2014
859-200-0300	3-5-2014	Adopt	4-1-2014	863-003-0010	4-28-2014	Adopt	5-1-2014
859-200-0305	3-5-2014	Adopt	4-1-2014	863-003-0020	4-28-2014	Adopt	5-1-2014
859-200-0310	3-5-2014	Adopt	4-1-2014	863-003-0040	4-28-2014	Adopt	5-1-2014
860-001-0310	1-9-2014	Amend	2-1-2014	863-003-0050	4-28-2014	Adopt	5-1-2014
860-021-0135	6-26-2014	Amend	8-1-2014	863-003-0060	4-28-2014	Adopt	5-1-2014
860-023-0055	1-22-2014	Amend	3-1-2014	863-003-0070	4-28-2014	Adopt	5-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
863-003-0080	4-28-2014	Adopt	5-1-2014	918-001-0025	3-24-2014	Amend	5-1-2014
863-003-0090	4-28-2014	Adopt	5-1-2014	918-008-0000	4-1-2014	Amend	3-1-2014
863-003-0100	4-28-2014	Adopt	5-1-2014	918-020-0090	1-1-2014	Amend	2-1-2014
863-003-0110	4-28-2014	Adopt	5-1-2014	918-020-0370	1-1-2014	Amend	2-1-2014
863-014-0003	4-28-2014	Amend	5-1-2014	918-020-0370(T)	1-1-2014	Repeal	2-1-2014
863-014-0010	4-28-2014	Amend	5-1-2014	918-098-1000	4-1-2014	Amend	5-1-2014
863-014-0015	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
863-014-0020	4-28-2014	Amend	5-1-2014	918-098-1010	4-1-2014	Amend	5-1-2014
863-014-0035	4-28-2014	Amend	5-1-2014	918-098-1015	4-1-2014	Amend	5-1-2014
863-014-0040	4-28-2014	Amend	5-1-2014	918-098-1030	4-1-2014	Repeal	5-1-2014
863-014-0050	4-28-2014	Amend	5-1-2014	918-098-1210	4-1-2014	Amend	5-1-2014
863-014-0062	4-28-2014	Amend	5-1-2014	918-098-1215	4-1-2014	Amend	5-1-2014
863-014-0063	4-28-2014	Amend	5-1-2014	918-098-1450	4-1-2014	Amend	5-1-2014
863-014-0065	4-28-2014	Amend	5-1-2014	918-098-1470	4-1-2014	Amend	5-1-2014
863-014-0066	4-28-2014	Amend	5-1-2014	918-098-1500	4-1-2014	Amend	5-1-2014
863-014-0095	4-28-2014	Amend	5-1-2014	918-098-1525	4-1-2014	Adopt	5-1-2014
863-014-0100	4-28-2014	Amend	5-1-2014	918-098-1550	4-1-2014	Amend	5-1-2014
863-015-0003	4-28-2014	Amend	5-1-2014	918-098-1560	4-1-2014	Repeal	5-1-2014
863-015-0081	4-28-2014	Adopt	5-1-2014	918-282-0450	2-12-2014	Adopt(T)	3-1-2014
863-020-0000	4-28-2014	Amend	5-1-2014	918-282-0455	2-12-2014	Adopt(T)	3-1-2014
863-020-0010	4-28-2014	Amend	5-1-2014	918-282-0455	2-21-2014	Adopt(T)	4-1-2014
863-020-0015	4-28-2014	Amend	5-1-2014	918-282-0455(T)	2-21-2014	Suspend	4-1-2014
863-020-0030	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	918-440-0010	7-1-2014	Amend	8-1-2014
863-020-0040	4-28-2014	Amend	5-1-2014	918-440-0012	7-1-2014	Amend	8-1-2014
863-020-0055	4-28-2014	Amend	5-1-2014	918-440-0050	7-1-2014	Amend	8-1-2014
863-020-0060	4-28-2014	Amend	5-1-2014	918-460-0010	7-1-2014	Amend	8-1-2014
863-024-0003	4-28-2014	Amend	5-1-2014	918-460-0015	7-1-2014	Amend	8-1-2014
863-024-0015	4-28-2014	Amend	5-1-2014	918-460-0050	7-1-2014	Amend	8-1-2014
863-024-0015	4-28-2014	Amend	5-1-2014	918-460-0500	7-1-2014	Amend	8-1-2014
863-024-0045	4-28-2014	Amend	5-1-2014	918-460-0510	7-1-2014	Repeal	8-1-2014
863-024-0050	4-28-2014	Amend	5-1-2014	943-014-0050	2-18-2014	Repeal	3-1-2014
863-024-0062	4-28-2014	Amend	5-1-2014	943-014-0400	2-18-2014	Adopt	3-1-2014
863-024-0063	4-28-2014	Amend	5-1-2014	943-014-0410	2-18-2014	Adopt	3-1-2014
863-024-0065	4-28-2014	Amend	5-1-2014	943-014-0415	2-18-2014	Adopt	3-1-2014
863-024-0066	4-28-2014	Amend	5-1-2014	943-014-0420	2-18-2014	Adopt	3-1-2014
863-024-0095	4-28-2014	Amend	5-1-2014	943-014-0430	2-18-2014	Adopt	3-1-2014
863-024-0100	4-28-2014	Amend	5-1-2014	943-014-0435	2-18-2014	Adopt	3-1-2014
863-025-0010	4-28-2014	Amend	5-1-2014	943-014-0440	2-18-2014	Adopt	3-1-2014
875-005-0005	1-17-2014	Amend	3-1-2014	943-014-0445	2-18-2014	Adopt	3-1-2014
875-010-0000	1-17-2014	Amend	3-1-2014	943-014-0450	2-18-2014	Adopt	3-1-2014
875-010-0016	1-17-2014	Amend	3-1-2014	943-014-0455	2-18-2014	Adopt	3-1-2014
875-010-0021	1-17-2014	Amend	3-1-2014	943-014-0460	2-18-2014	Adopt	3-1-2014
875-010-0045	1-17-2014	Amend	3-1-2014	943-014-0465	2-18-2014	Adopt	3-1-2014
875-010-0050	1-17-2014	Amend	3-1-2014	943-070-0000	3-10-2014	Adopt	4-1-2014
875-010-0090	1-17-2014	Amend	3-1-2014	943-070-0010	3-10-2014	Adopt	4-1-2014
875-015-0020	1-17-2014	Amend	3-1-2014	943-070-0020	3-10-2014	Adopt	4-1-2014
875-015-0030	1-17-2014	Amend	3-1-2014	943-070-0030	3-10-2014	Adopt	4-1-2014
875-030-0010	1-17-2014	Amend	3-1-2014	943-070-0040	3-10-2014	Adopt	4-1-2014
875-030-0020	1-17-2014	Amend	3-1-2014	943-070-0050	3-10-2014	Adopt	4-1-2014
875-030-0025	4-22-2014	Amend	6-1-2014	943-070-0060	3-10-2014	Adopt	4-1-2014
875-030-0030	1-17-2014	Amend	3-1-2014	943-070-0070	3-10-2014	Adopt	4-1-2014
875-030-0040	1-17-2014	Amend	3-1-2014	945-030-0025	7-9-2014	Adopt(T)	8-1-2014
875-030-0050	1-17-2014	Amend	3-1-2014	945-030-0030	4-15-2014	Amend	5-1-2014
877-020-0057	8-1-2014	Amend(T)	9-1-2014	945-030-0045	1-16-2014	Adopt	3-1-2014

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
945-040-0010	5-12-2014	Amend	6-1-2014	952-001-0010	3-7-2014	Amend	4-1-2014
945-040-0040	5-12-2014	Amend	6-1-2014	952-001-0020	3-7-2014	Amend	4-1-2014
945-040-0060	5-12-2014	Amend	6-1-2014	952-001-0030	3-7-2014	Amend	4-1-2014
945-040-0090	5-12-2014	Amend	6-1-2014	952-001-0040	3-7-2014	Amend	4-1-2014
945-040-0100	5-12-2014	Amend	6-1-2014	952-001-0050	3-7-2014	Amend	4-1-2014
945-040-0110	5-12-2014	Amend	6-1-2014	952-001-0060	3-7-2014	Amend	4-1-2014
945-040-0140	5-12-2014	Amend	6-1-2014	952-001-0070	3-7-2014	Amend	4-1-2014
945-040-0180	11-18-2013	Adopt(T)	1-1-2014	952-001-0080	3-7-2014	Amend	4-1-2014
945-040-0180	12-23-2013	Adopt(T)	2-1-2014	952-001-0090	3-7-2014	Amend	4-1-2014
945-040-0180	5-12-2014	Adopt	6-1-2014	952-001-0100	3-7-2014	Amend	4-1-2014
945-040-0180(T)	12-23-2013	Suspend	2-1-2014	966-100-0600	7-1-2014	Adopt	8-1-2014
952-001-0003	3-7-2014	Adopt	4-1-2014	972-010-0020	5-7-2014	Amend	6-1-2014
952-001-0003(T)	3-7-2014	Repeal	4-1-2014	972-030-0040	5-7-2014	Amend	6-1-2014

