

OREGON BULLETIN

Supplements the 2014 *Oregon Administrative Rules Compilation*

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KATE BROWN
Secretary of State
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INFORMATION ABOUT ADMINISTRATIVE RULES

General Information

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

Background on Oregon Administrative Rules

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

OAR Citations

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

Understanding an Administrative Rule’s “History”

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

Locating Current Versions of Administrative Rules

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

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

Locating Administrative Rule Publications

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

Filing Administrative Rules and Notices

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

Administrative Rules Coordinators and Delegation of Signing Authority

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

Publication Authority

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

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

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EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 14 - 02

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

At the request of the Crook County Court by its order 2014-11 dated February 19, 2014, on the recommendation of the Drought Council and the Water Advisory Committee, and pursuant to ORS 401.165 and ORS 536.740, I find the continuing dry conditions, low snow-pack, and lack of precipitation have caused natural and economic disaster conditions in Crook County.

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

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

IT IS HEREBY ORDERED AND DIRECTED:

I. The Oregon Department of Agriculture is directed to coordinate and provide assistance in seeking federal resources available to mitigate conditions and affect agricultural recovery in the affected counties.

II. The Department of Water Resources is directed to coordinate and provide assistance and regulation for the affected county as it determines is necessary in accordance with ORS 536.700 to 536.780.

III. The Office of Emergency Management is directed to coordinate and assist as needed with assessment and mitigation activities to address current and projected conditions in the affected county.

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

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

Done at Salem, Oregon this 20th day of March.

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

ATTEST

/s/ Kate Brown
Kate Brown
SECRETARY OF STATE

OTHER NOTICES

REQUEST FOR COMMENTS

PROPOSED CERTIFICATION OF COMPLETION FOR A CONSENT JUDGMENT AT THE FORMER TRIANGLE PARK PROPERTY, PORTLAND, OREGON (ECSI #277)

COMMENTS DUE: 5 p.m. Wednesday April 30, 2014

PROJECT LOCATION: 5828 North Van Houten Place, Portland, Oregon

PROPOSAL: The Department of Environmental Quality (DEQ) issues this notice regarding completion of soil excavation and capping work performed at the subject property pursuant to a Prospective Purchaser Agreement issued on Dec. 21, 2006 in the form of a Consent Judgment/General Judgment by the Multnomah County Circuit Court.

HIGHLIGHTS: The University of Portland acquired the property in 2008 pursuant to the DEQ Prospective Purchaser Agreement Consent Judgment as well as a 2006 Bona Fide Prospective Purchaser's Agreement and Order with the U.S. Environmental Protection Agency facilitating beneficial redevelopment of the property. The property's historical industrial uses from 1900 to the early 1990s included lumber production, marine services operations, an electrical power plant, hazardous cleanup waste storage, and transformer cleaning and storage.

In 1997, Triangle Park LLC acquired the property under a separate DEQ Prospective Purchaser Agreement that required Triangle Park to perform a Remedial Investigation and Feasibility Study of the site soil only and a follow on soil cleanup based on the results of the investigation and study. The soil contaminants detected during the investigation included PCBs, petroleum hydrocarbons, volatile organic compounds, polycyclic aromatic hydrocarbons, antimony, arsenic, cadmium, lead, chromium, copper, nickel, zinc, and dioxins and furans. Groundwater investigations beneath the site conducted by DEQ found petroleum hydrocarbons, volatile organic compounds, polycyclic aromatic hydrocarbons, lead, nickel, zinc, antimony, arsenic, beryllium, chromium, and copper. Sediments in the adjacent Willamette River contained petroleum hydrocarbons, polycyclic aromatic hydrocarbons, arsenic, and tributyltin. In 2005, DEQ selected its remedial action for the soil based on Triangle Park's Remedial Investigation and Feasibility Study that included human health and ecological risk assessments. DEQ's remedial action was described in its 2005 Record of Decision and included excavation of soil "hot spots" (highly contaminated soil) and capping of the remaining soil contaminated below hot spot levels but that nevertheless exceeded risk-based concentrations.

In 2006, the University of Portland's Bona Fide Prospective Purchaser's Agreement required the university to perform further site investigations and the preparation of an Engineering Evaluation and Cost Analysis to support a final EPA selected CERCLA removal action. Under the Bona Fide Prospective Purchaser's Agreement and consistent with DEQ's 2005 Record of Decision, the University of Portland was required to remove the DEQ previously documented hot spots and cap the remaining soils that were found to be above risk based levels. The Bona Fide Prospective Purchaser's Agreement also required the university to regrade, cap, and revegetate the riverbank along the site shoreline. EPA's Bona Fide Prospective Purchaser's Agreement as well as the 2006 DEQ Consent Judgment with the university require that DEQ receive all written submittals made by the university to EPA, that the university pay DEQ's separate oversight costs and that the university undertake institutional controls including a Soil Management Plan and an Easement and Equitable Servitudes. Institutional controls address the risks posed by the disturbance of the soil caps on site that could lead to the exposure of the contaminated soils beneath those caps during future development activities.

The University of Portland performed the EPA selected removal action in 2012 and 2013. In 2014, the University of Portland recorded the DEQ and EPA-approved Easement and Equitable Servitudes for the property that prohibits residential use as well as agricultural food production use. The Easement and Equitable Servitudes includes the University of Portland's Soil Management Plan that requires the university to maintain the soil caps on site and assure

proper handling and disposal of any remaining contaminated soils excavated during construction, development or other activities. In addition, the University of Portland must monitor the shallow groundwater beneath the site for at least six years to assure the continued effectiveness of the removal action. On March 6, 2014, EPA issued its Notice of Completion letter to the University of Portland based on its determination that response work had been fully performed in accordance with the requirements of the EPA Order.

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

DEQ reviewed the conditions stated in the 2006 Prospective Purchaser Agreement and concludes:

1) All of University of Portland's requirements under the Consent Judgment have been satisfied.

The proposed Consent Judgment will provide the University of Portland with a release from liability for claims by the State of Oregon under ORS 465.200 to 465.545 and 465.990, 466.640, and 468B.310 regarding existing hazardous substance releases at or from the property. The proposed consent judgment will also provide the University of Portland with third party liability protection.

HOW TO COMMENT: Send comments to DEQ Project Manager Dana Bayuk at 2020 SW Fourth Avenue, Suite 400, Portland, Oregon 97201 or bayuk.dana@deq.state.or.us. For more information contact the project manager at 503-229-5543.

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/ecsiquery.asp?listtype=lis&listtitle=Environmental+Cleanup+Site%20Information+Database>, then enter #277 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled #277 in the Site ID/Info column. Alternatively, you may go directly to the database website for this page at <http://www.deq.state.or.us/Webdocs/Forms/Output/FPController.ashx?SourceId=277&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. A final decision concerning the proposed Certification of Completion will be made after consideration of public comments.

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

PROPOSED NO FURTHER ACTION DETERMINATION FOR MOCON CONSTRUCTION ENVIRONMENTAL CLEANUP SITE #1241

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

PROJECT LOCATION: 2142 Turner Rd. SE, Salem

PROPOSAL: DEQ recommends a no further action determination for the investigation of historical spills at the MOCON Construction property. An assessment performed in 2013 identified soil and groundwater contamination at concentrations considered safe for workers. The property is located in a commercial and industrial area of southeast Salem.

HIGHLIGHTS: DEQ received information of leaking drums and a glue spill at the MOCON Construction property in the 1990s. An assessment in 1993 confirmed various contaminants were present in the soil but not at levels considered unsafe for workers. Another assessment completed in 2013 detected diesel, oil, tetrachloroethene, and heavier petroleum constituents in the soil below risk-based concentrations for site workers. Metals were also present, including

OTHER NOTICES

arsenic below Oregon's background level for the South Willamette Valley. Groundwater contained petroleum contaminants and metals below risk levels. Ecological risk was considered unlikely based on the distance of surface water and aquatic life to contaminated media at the MOCON Construction property.

HOW TO COMMENT: Send comments to DEQ Project Manager Cathy Rodda at 165 E. 7th Ave., Eugene, or via email to: rodda.cathy@deq.state.or.us. For more information call 541-687-7325.

Find information and request a review of DEQ's 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. Then enter #1241 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled #1241 in the Site ID/Info column. If you do not have web access and want to review the project file, contact the DEQ project manager.

THE NEXT STEP: DEQ will finalize the no further action determination for the MOCON Construction project if no objections to site closure are received by April 30, 2014.

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

NOTICES OF PROPOSED RULEMAKING

Notices of Proposed Rulemaking and Proposed Rulemaking Hearings

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

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

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

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

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

.....
Board of Architect Examiners
Chapter 806

Rule Caption: Initial Registration Fee

Date:	Time:	Location:
4-18-14	9:30 a.m.	OBAE Offices 205 Liberty St. NE, Suite A Salem, OR 97306

Hearing Officer: James Denno

Stat. Auth.: ORS 671.085

Stats. Implemented: ORS 671.085

Proposed Amendments: 806-010-0105

Last Date for Comment: 4-18-14, 4:30 p.m.

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

Rules Coordinator: Jim Denno

Address: Oregon Board of Architect Examiners, 205 Liberty St. NE, Suite A, Salem, OR 97301

Telephone: (503) 763-0662

.....
Rule Caption: Continuing Education Rules

Date:	Time:	Location:
4-18-14	9:30 a.m.	OBAE Offices 205 Liberty St. NE, Suite A Salem, OR 97306

Hearing Officer: James Denno

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.125

Proposed Amendments: 806-010-0145

Last Date for Comment: 4-18-14, 4:30 p.m.

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

Rules Coordinator: Jim Denno

Address: Oregon Board of Architect Examiners, 205 Liberty St. NE, Suite A, Salem, OR 97301

Telephone: (503) 763-0662

.....
Board of Medical Imaging
Chapter 337

Rule Caption: Require imaging technologists who practice computed tomography to have a CT credential.

Date:	Time:	Location:
4-18-14	2 p.m.	800 NE Oregon St., Rm. 445 Portland OR

Hearing Officer: Ed Conlow

Stat. Auth.: ORS 688.555

Stats. Implemented: ORS 688.415, 688.445(1)(a), 688.480 & 688.520(7)

Proposed Amendments: 337-010-0011, 337-010-0045

Last Date for Comment: 4-21-14, 4:30 p.m.

Summary: This rule will require a credential in computed tomography (CT) for radiographers, radiation therapists and nuclear medicine technologists to practice diagnostic CT, including cone beam CT. The requirement to have a CT credential would only apply to diagnostic CT and would not apply to 1) radiographers or radiation therapists operating the CT attenuation correction portion of the hybrid imager; or 2) Licensed nuclear medicine technologists operating PET and attenuation correction portion of the hybrid imager.

Licensed technologists without a CT credential would be eligible to practice diagnostic CT only after obtaining a temporary CT license, which would be available for up to 12 months and which would require them to practice under direct supervision for the first three months and indirect supervision for the remaining period of temporary licensure. The temporary license would enable CT candidates to complete supervised clinical prerequisites necessary to sit for a CT credentialing examination. To qualify for a temporary CT license, a technologist will need to complete at least 8 hours of didactic CT education and 8 hours of didactic training in cross sectional anatomy.

Rules Coordinator: Ed Conlow

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

Telephone: (971) 673-0216

.....
Rule Caption: \$52 fee for first-time license/permit applicants for FBI fingerprint criminal background check.

Date:	Time:	Location:
4-18-14	3 p.m.	800 NE Oregon St., Rm. 445 Portland OR

Hearing Officer: Ed Conlow

Stat. Auth.: ORS 688.555

Other Auth.: OAR 337-010-0023

Stats. Implemented: ORS 688.557 & 688.560(5)

Proposed Adoptions: 337-021-0055

Last Date for Comment: 4-21-14, 4:30 p.m.

Summary: This rule will authorize the Board of Medical Imaging to charge a \$52 fee to compete an FBI fingerprint background check. The fee will be charged to an applicant as part of the applicant's initial application to OBMI for a license or permit, to complete an FBI fingerprint background check. Renewal applicants will not be charged the fee or subjected to an FBI criminal background check.

Rules Coordinator: Ed Conlow

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

Telephone: (971) 673-0216

.....
Bureau of Labor and Industries
Chapter 839

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

NOTICES OF PROPOSED RULEMAKING

Stat. Auth.: ORS 30.071, 651.060(4) & 652

Stats. Implemented: ORS 652

Proposed Amendments: 839-001-0300

Last Date for Comment: 4-22-14, Close of Business

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

Rules Coordinator: Marcia Ohlemiller

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

Telephone: (971) 673-0784

Construction Contractors Board Chapter 812

Rule Caption: Housekeeping and Cite Reference Revisions

Date:	Time:	Location:
4-22-14	11 a.m.	West Salem Roths IGA Santiam Rm., 425 Glen Creek Rd. Salem, OR

Hearing Officer: Rob Yorke

Stat. Auth.: ORS 183.310–183.545, 670.310, 701.068, 701.082, 701.088, 701.235, 701.267, 701.280 & 701.532

Stats. Implemented: ORS 25.270, 25.785, 25.990, 670.310, 701.005, 701.021, 701.035, 701.050, 701.056, 701.063, 701.068, 701.073, 701.081, 701.082, 701.088, 701.094, 701.098, 701.122, 701.126, 701.131, 701.238, 701.267, 701.527, 701.527 to 701.536 & 701.532

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

Last Date for Comment: 4-22-14, Close of Hearing

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

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

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

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

Rules Coordinator: Catherine Dixon

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

Telephone: (503) 934-2185

Department of Administrative Services Chapter 125

Rule Caption: Amends and repeals rules to better streamline internal audit activities within the state.

Date:	Time:	Location:
4-15-14	1 p.m.	155 Cottage St. NE, Conf. Rm. B Salem, OR 97301

Hearing Officer: Renee A. Klein

Stat. Auth.: ORS 184.360

Stats. Implemented: ORS 184.360(3) & 297.250

Proposed Amendments: 125-700-0010, 125-700-0015, 125-700-0125, 125-700-0135, 125-700-0140, 125-700-0145, 125-700-0150, 125-700-0155

Proposed Repeals: 125-700-0120, 125-700-0130

Last Date for Comment: 4-15-14, 5 p.m.

Summary: This rule provides administrative guidance on ORS 184.360 relating to internal auditing. The changes proposed streamline and clarify the rule for users. Additionally, references to the Statewide Audit Advisory Committee are removed as the committee no longer exists due to budgetary reductions during the 2013 Legislative Session.

Rules Coordinator: Janet Chambers

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

Telephone: (503) 378-5522

Department of Agriculture Chapter 603

Rule Caption: Extension of Weed-Free Tree Seedling Nursery Requirement.

Stat. Auth.: ORS 569.350 & 571.200

Stats. Implemented: ORS 569.350 & 571.200

Proposed Amendments: 603-052-1205

Last Date for Comment: 4-25-14, 5 p.m.

Summary: The proposed amendment would allow methyl bromide to be used as a fumigant in tree seedling nurseries for another five years (until December 31, 2018). This rule is intended as a bridge to ensure effective noxious weed control until an effective and economical alternative to methyl bromide is available.

Rules Coordinator: Sue Gooch

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

Telephone: (503) 986-4583

Rule Caption: Raises fees for nursery licenses and phytosanitary certificates to adjust for inflation.

Stat. Auth.: ORS 561, 571

Stats. Implemented: ORS 571.055 & 571.145

Proposed Amendments: 603-054-0016, 603-054-0017, 603-054-0018, 603-054-0024, 603-054-0030

Last Date for Comment: 4-25-14, 5 p.m.

Summary: Nursery license fees and fees for phytosanitary certificates haven't been adjusted for inflation since 2008. Collected fees no longer cover the costs of running the nursery certification program. This proposed rule would adjust the fees upwards 15%, the equivalent of 2.5% per year since the fees were last raised.

Rules Coordinator: Sue Gooch

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

Telephone: (503) 986-4583

Department of Agriculture, Oregon Albacore Commission Chapter 972

Rule Caption: Amend required data on payment assessment form and add Secretary/Treasurer to Officers elected

NOTICES OF PROPOSED RULEMAKING

Date: 4-22-14
Time: 9 a.m.
Location: U.S. Fish and Wildlife Service
2127 SE Marine Science Dr.
Newport, OR

Hearing Officer: Nancy Fitzpatrick
Stat. Auth.: ORS 576.304(14)
Other Auth.: Motion approved by Oregon Albacore Commission Board on November 15, 2013
Stats. Implemented: ORS 576.345(2) & 576.304(14)
Proposed Amendments: 972-010-0020, 972-030-0040
Last Date for Comment: 4-22-14, 9:30 a.m.
Summary: Amends the required data on the commission assessment form to delete unnecessary information and streamline the reporting process; adds Secretary/Treasurer to the officers elected.
Rules Coordinator: Nancy Fitzpatrick
Address: Department of Agriculture, Oregon Albacore Commission, P.O. Box 983, Lincoln City, OR 97367
Telephone: (541) 994-2647

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**Department of Agriculture,
Oregon Orchardgrass Seed Producers Commission
Chapter 655**

Rule Caption: Amends qualifications of commissioners to make all positions represent state at large.

Date: 4-30-14
Time: 8 a.m.
Location: Elmer's Restaurant
2802 Santiam Hwy. SE
Albany, OR 97322

Hearing Officer: Staff
Stat. Auth.: ORS 576.225 & 576.304
Stats. Implemented: ORS 576.225 & 576.304
Proposed Amendments: 655-015-0020
Last Date for Comment: 4-29-14, 12 p.m.

Summary: Eleven years ago, the commission enacted administrative rules calling for specific geographic representation. At the time, it utilized telephone area codes to designate between north Willamette Valley growers and south Willamette Valley growers. During the last 11 years, the number of orchardgrass seed producers has diminished and it has become more difficult to recruit qualified and interested candidates who are qualified to serve on the commission. The commission no longer believes the previously designated geographic representation is necessary. The amendment would make all positions represent the state at large.

Rules Coordinator: Misty Slagle
Address: Department of Agriculture, Oregon Orchardgrass Seed Producers Commission, 6745 SW Hampton St., Suite 101, Portland, OR 97223
Telephone: (503) 924-1181

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**Department of Agriculture,
Oregon Processed Vegetable Commission
Chapter 647**

Rule Caption: Amend rules related to assessment rates
Date: 4-24-14
Time: 7:30 p.m.
Location: 3415 Commercial St. SE
Salem, OR

Hearing Officer: Scott Setniker
Stat. Auth.: ORS 576.051-576.595
Stats. Implemented: ORS 576.051-576.595
Proposed Amendments: 647-010-0010
Last Date for Comment: 4-24-14, Close of Hearing
Summary: The proposed rule amendments set the assessment rates for the six processed vegetable crops governed by the commission.
Rules Coordinator: Misty Slagle
Address: Department of Agriculture, Processed Vegetable Commission, 6745 SW Hampton, Suite 101, Portland, OR 97223
Telephone: (503) 924-1181

**Department of Agriculture,
Oregon Salmon Commission
Chapter 646**

Rule Caption: Amend late assessment penalties, set specific number of commissioners, amend commissioner per diem compensation

Date: 4-22-14
Time: 9:30 a.m.
Location: U.S. Fish and Wildlife Service
2127 SE Marine Science Dr.
Newport, OR

Hearing Officer: Nancy Fitzpatrick
Stat. Auth.: ORS 576.265, 576.225(3), 576.304
Other Auth.: 1. Motion approved by Oregon Salmon Commission Board on February 21, 2014; 2. Motion approved by Oregon Salmon Commission Board on February 21, 2014; 3. Motion approved by Oregon Salmon Commission Board on May 28, 2013
Stats. Implemented: ORS 576.355(1), 576.206(4), ORS 576.225(3), ORS 292.495, ORS 576.265

Proposed Amendments: 646-010-0020, 646-030-0020, 646-040-0000

Last Date for Comment: 4-22-14, 10 a.m.

Summary: 1. Sets the penalty for delaying transmittal of assessment moneys at ten percent of the amount due for the first month and one and one-half percent of the amount due for each month of delay thereafter.

2. Sets a specific number of commissioners as producers (six) and handlers (two).

3. Sets per diem for commissioners at \$100.00. ORS 576.265 exempts commodity commissions from the per diem limits set in OAR 292.495.

Rules Coordinator: Nancy Fitzpatrick
Address: Department of Agriculture, Salmon Commission, PO Box 983, Lincoln City, OR 97367-0983
Telephone: (541) 994-2647

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

Rule Caption: Requiring Medigap be available on Guaranteed Issue Basis for Individuals Losing Individual Health Benefit Plans

Date: 5-13-14
Time: 1:30 p.m.
Location: 350 Winter St. NE,
Conference Rm. E
Salem, OR 97301

Hearing Officer: Cece Newell
Stat. Auth.: ORS 731.244 & 743.684
Stats. Implemented: ORS 743.684
Proposed Amendments: 836-052-0142

Last Date for Comment: 5-15-14, Close of Business

Summary: Some individuals on Medicare rely on individual health plans as their secondary coverage, rather than Medicare Supplement (Medigap) Insurance, for services not covered by Medicare parts A, B or D. For at least some of these individuals the commercial Individual Health Plan (IHP) may have been equal to or superior to what they could have through Medigap (e.g., at the time there may have been superior pharmacy coverage through the IHP). In other instances, individuals might not realize the advantage to migrating to Medigap coverage when they became Medicare eligible and the insurer and/or agent did not guide them to switch to Medigap.

The only time a person has a guaranteed issue right to purchase Medigap is upon gaining eligibility for Medicare. For most persons this occurs only once at age 65. For persons determined to be disabled prior to age 65, the first opportunity is at the time of their disability determination with accompanying Medicare eligibility; for these persons a second opportunity is presented at age 65. If a person does not choose a Medigap policy at the time of disability determination and/or turning age 65, it is possible they may be able to

NOTICES OF PROPOSED RULEMAKING

purchase Medigap in the future on an underwritten basis, but the opportunity is lost to ever opt in on a guaranteed issue basis.

In December 2013 a temporary rule was issued to require guaranteed issue for plans that were ending according to the original time-lines for Affordable Care Act (ACA) compliance. Since the issuance of that rule time lines have been adjusted on two occasions and insurers have the ability to choose the dates of plan termination within guidelines, extending termination dates in most cases beyond the end of the emergency rule effective dates. The result of the termination when it occurs is to end IHP coverage for persons who relied on this coverage as a substitute for Medigap. The intent of the permanent rule is to extend the period of guaranteed issue in order to protect the affected consumers.

OAR 836-052-0142 addresses guaranteed issue of Medigap coverage when someone loses employer-sponsored coverage, but is silent about the loss of an individual plan beyond a person's control. A permanent rule is now required, due to the extension of plans beyond the effective date of the temporary rule, to require guaranteed issue of Medigap for individuals who had no control or knowledge of the impending termination of the IHP. Continuing this protection for Oregon consumers seems consistent with the principle of protecting persons who lose employment-based coverage.

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 exception in Forest Activities for machines with front and top guard structure.

Date:	Time:	Location:
5-1-14	2 p.m.	Labor and Industries Bldg. Basement - Conference Rm. F 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 Amendments: 437-007-0780

Last Date for Comment: 5-12-14, Close of Business

Summary: This rulemaking is to exempt machines manufactured prior to July 1, 2004, capable of 360 degree upper structure rotation that are equipped and maintained with a front and top guard structure meeting the performance criteria of the Society of Automotive Engineers' SAE J1356:FEB88 or the International Organization for Standardization ISO 10262:1998 (Level II), from limitations under 437-007-0780, effective July 1, 2014. This rulemaking also corrects a typo in the current rule.

Oregon OSHA proposes to make these changes to 437-007-0780 in Division 7/H.

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

Rules Coordinator: Sue C. Joye

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 Oxygen-fuel gas standards in general industry and construction.

Date:	Time:	Location:
5-2-14	10 a.m.	Oregon OSHA Portland Field Office Fremont Place, Building I 1750 NW Naito Pkwy., Suite 112 Portland, OR 97209-2533

5-9-14

10 a.m.

Oregon OSHA
Eugene Field Office
1140 Willagillespie, Suite 42
Eugene, OR 97401-2101

Hearing Officer: Sue Joye

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

Stats. Implemented: ORS 654.001-654.295

Proposed Adoptions: 437-002-2101, 437-002-2253, 437-003-3350

Proposed Amendments: 437-002-0100, 437-002-0280, 437-002-2102, 437-003-0001

Proposed Repeals: 437-002-0290, 437-002-0291, 437-002-0292, 437-002-0293, 437-002-0294, 437-002-0295, 437-002-0296

Last Date for Comment: 5-15-14, Close of Business

Summary: This rulemaking combines the existing Division 2 and Division 3 Oxygen - Fuel Gas (Oxy-Fuel) Welding and Cutting rules. It makes one rule applicable to all disciplines involved in the welding and cutting processes except for Agriculture, Maritime and Forest Activities. General Industry will include sections (1) through (15) of the rule while Construction will include sections (1) through (13) of the rule. Construction will not include the sections on Acetylene Generator and Calcium Carbide Storage. It updates requirements of the Compressed Gas Association standards and clarifies requirements for compliance. It is more user friendly because it separates rules that had multiple requirements into rules with easy to understand segments. Major topics of change include the following:

- Drop and/or leak testing prior to each placement of cylinders into a vehicle, at the end of the day and at the start of a shift.
- Updated CGA standards require storing of cylinders in temperatures less than 125 degrees.
- Updated CGA standards require storing cylinders in separately (empty vs filled) marked areas.
- Supervision and evaluation of employee's skill level by a competent person prior to allowing them to work independently.
- Training and documentation of training requirements.
- Explains how to do a drop test for those instances when it is required.
- Allows employers to follow manufacturer's recommendations when installing reverse flow check valves (back flow) and flashback arrestors (flashback preventers).
- Updates language in the rule to reflect current CGA requirements.

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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 amendments to the Mechanical Power Presses Standard in General Industry.

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

Stats. Implemented: ORS 654.001-654.295

Proposed Amendments: 437-002-0240

Last Date for Comment: 5-5-14, Close of Business

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

Oregon OSHA is proposing to amend 29 CFR 1910.217 Mechanical Power Presses, in Division 2/O; as published in the November 20, 2013 Federal Register. With this rulemaking, federal OSHA made two main revisions. First, federal OSHA revised a provision that requires employers to develop and maintain certification records of periodic inspections performed on the presses by adding a requirement that they develop and maintain certification records of any maintenance and repairs they perform on the presses. Second, federal OSHA removed the requirement from another provision that

NOTICES OF PROPOSED RULEMAKING

employers develop and maintain certification records of weekly inspections and tests performed on the presses.

Oregon OSHA proposes to make these changes to 1910.217(e)(1), in Division 2/O.

Please visit our web site 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 Corrections Chapter 291

Rule Caption: Change in classification System for Assigning Custody Levels to Inmates in DOC Custody

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

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

Proposed Amendments: 291-104-0111, 291-104-0116, 291-0104-0125, 291-104-0135, 291-104-0140

Last Date for Comment: 4-21-14, 4 p.m.

Summary: These modifications are necessary to update the policy and procedure of the classification system for assigning inmates with the appropriate custody level, and to provide clarification for scoring the custody classification guide. Within the custody classification guide, the designators for escape history have been modified to more accurately assess an inmate's escape risk. Other changes are of a housekeeping nature to reflect operational changes within the agency.

Rules Coordinator: Janet R. Worley

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

Telephone: (503) 945-0933

Department of Environmental Quality Chapter 340

Rule Caption: Update Phase One of the Clean Fuels Program

Date:	Time:	Location:
4-16-14	6 p.m.	DEQ Headquarters Office 811 SW Sixth Ave. Portland, OR 97204

Hearing Officer: DEQ Staff

Stat. Auth.: ORS 468.020, 468A.270 & 2009 OL Ch. 754, § 6

Stats. Implemented: ORS 468A.270 & 2009 OL Ch. 754, § 6

Proposed Amendments: 340-253-0040, 340-253-0060, 340-253-0100, 340-253-0250, 340-253-0310, 340-253-0320, 340-253-0340, 340-253-0400, 340-253-0500, 340-253-0600, 340-253-0630, 340-253-0650, 340-253-3010, 340-253-3020

Proposed Repeals: 340-253-3000

Last Date for Comment: 4-21-14, 5 p.m.

Summary: This proposal would make an adjustment to phase one of the Oregon Clean Fuels Program, which the Oregon Environmental Quality Commission adopted Dec. 7, 2012.

The proposed rule revisions:

- Provide clarity to potential regulated and opt-in parties as they interpret whether and how the program applies to them.
- Reduce requirements for certain fuel importers.
- Add fuels available in Oregon to make reporting more accurate.

The Clean Fuels Program requires all importers and Oregon producers of transportation fuels to register, keep records and submit reports to DEQ. The proposed rules would eliminate unnecessary requirements, reduce administrative burdens on smaller businesses and still maintain program integrity.

Background:

On Dec. 11, 2013, the Oregon Environmental Quality Commission adopted temporary rules that expire June 30, 2014. The December 2013 rulemaking temporarily eliminated unnecessary

requirements and reduced administrative burdens on smaller businesses required to submit their first reports to DEQ by April 30, 2014. These proposed permanent rules are substantively identical to the temporary rules.

These proposed rules do not implement the carbon reduction phase of the program.

Regulated parties:

These proposed rules would affect all Oregon fuel producers and importers subject to the Oregon Clean Fuels Program.

Rules Coordinator: Maggie Vandehey

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

Telephone: (503) 229-6878

Rule Caption: Increase Air Contaminant Discharge Permit Fees

Date:	Time:	Location:
4-15-14	5:30 p.m.	DEQ Headquarters Office 811 SW 6th Ave. Portland OR 97204

Hearing Officer: DEQ staff

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

Stats. Implemented: ORS 468A.050

Proposed Adoptions: 340-216-8010, 340-216-8020

Proposed Amendments: 340-210-0100, 340-216-0020, 340-216-0025, 340-216-0040, 340-216-0052, 340-216-0054, 340-216-0056, 340-216-0060, 340-216-0062, 340-216-0064, 340-216-0066, 340-216-0070, 340-216-0090.

Last Date for Comment: 4-18-14, 5 p.m.

Summary: DEQ proposes rules to:

Increase air contaminant discharge permit fees. The 2013 legislature authorized a 20 percent fee increase to restore services for operating Oregon's air contaminant discharge permit program. The fee increase would restore 3.67 full-time equivalent positions authorized in DEQ's 2013 legislatively approved budget.

Establish a lower application fee for greenhouse gas permits. The proposed lower application fee would apply to facilities that require a New Source Review or Prevention of Significant Deterioration for greenhouse gases when obtaining an air contaminant discharge permit or modifying their existing permit.

Adjust the calculation for greenhouse gas reporting fees. The proposed rules would adjust the percentage of the air contaminant discharge permit fee used to calculate greenhouse gas reporting fees from 15 percent to 12.5 percent. This technical correction would prevent the 20-percent air contaminant discharge fee increase from also increasing the current greenhouse gas reporting fees.

Amend the low fee eligibility criteria. The proposed rules would make it easier for permitted facilities and DEQ to determine low fee eligibility for simple air contaminant discharge permits. The amendment would change the period used to capture eligibility data from rolling 12-months to a calendar year.

Background:

The air contaminant discharge permit program is part of Oregon's federally approved State Implementation Plan required to meet national air quality standards.

Oregon's air contaminant discharge permit program:

- Administers federal health standards, air toxic requirements and other regulations.
- Reduces the number of unhealthy air days and health risks from air toxics.
- Issues, renews or modifies permits to prevent or reduce air pollution through permit requirements.
- Ensures that existing pollution sources comply with state and federal air emissions standards.
- Ensures that new sources of air pollution install controls such as filtration equipment, combustion controls and vapor controls needed to protect air quality.

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

The permit fees also help support a portion of air quality monitoring, planning, and agency central services such as accounting and human resources.

Ninety-two percent of the revenue that Oregon needs to provide the requisite air quality program services comes from permit fees and state General Fund and federal funds provide the balance.

In 2013, the Environmental Quality Commission temporarily amended air contaminant discharge permit rules to allow DEQ to issue the 2014 annual fee invoices on schedule. The temporary rules, effective Oct. 24, 2013, through April 22, 2014, include the legislatively approved fee increase and the technical correction to the greenhouse gas reporting fee.

Regulated parties:

The proposed amendments would affect:

• Facilities that currently have an air contaminant discharge permit and any facility that applies for this type of permit in the future.

• Small facilities that do not have a permit, but are registered with the permit program and under OAR Chapter 340 Division 210 in lieu of holding a permit, such as dry cleaners and auto body shops.

• New facilities that are categorized as major sources of greenhouse gases and those that make major modifications to existing greenhouse gas existing facilities.

• Facilities that have an air contaminant discharge permit that must report greenhouse gases under OAR Chapter 340 Division 215.

• Facilities holding a simple air contaminant discharge permit.

Rules Coordinator: Maggie Vandehey

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

Telephone: (503) 229-6878

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

Rule Caption: Behavior Support Services

Date:	Time:	Location:
4-18-14	2:30 p.m.	500 Summer St. NE Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070

Proposed Adoptions: Rules in 411-046

Last Date for Comment: 4-22-14, 5 p.m.

Summary: The Department of Human Services (Department) is proposing to adopt rules for Behavior Support Services in OAR chapter 411, division 046 to: Establish standards to provide Behavior Support Services to individuals who receive Medicaid funded home and community-based 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

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Rule Caption: In-Home Services — Instrumental Activities of Daily Living (IADL)

Date:	Time:	Location:
4-18-14	3:30 p.m.	500 Summer St. NE, Rm. 160 Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 409.050, 410.070 & 410.090

Stats. Implemented: ORS 410.010, 410.020 & 410.070

Proposed Amendments: 411-030-0070

Last Date for Comment: 4-22-14, 5 p.m.

Summary: The Department of Human Services (Department) is proposing to amend OAR 411-030-0070 to increase the instrumental activities of daily living (IADL) service hours for meal preparation and housekeeping by 10 percent. The Department reduced the IADL service hours for meal preparation and housekeeping on January 1, 2012 in response to a budgetary shortfall. The Department's proposal to restore the IADL service hours for meal preparation and housekeeping to the hours in effect prior to January 1, 2012 is dependent on the outcome of the 2014 legislative session.

Rules Coordinator: Kimberly Colkitt-Hallman

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

Telephone: (503) 945-6398

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

Rule Caption: Changing OARs affecting Child Welfare programs

Date:	Time:	Location:
4-21-14	9:30 a.m.	500 Summer St. NE, Rm. 254 Salem, OR

Hearing Officer: Kris Skaro

Stat. Auth.: ORS 417.262, 417.265 & 418.005

Other Auth.: Convention on Protection of Children & Co-operation in Respect of Intercountry Adoption Act of 2000, 42 U.S.C. 14901 et seq.

Stats. Implemented: ORS 417.262, 417.265 & 418.005

Proposed Amendments: 413-120-0900, 413-120-0905, 413-120-0910, 413-120-0920, 413-120-0925, 413-120-0930, 413-120-0940, 413-120-0945, 413-120-0950, 413-120-0960, 413-120-0970

Proposed Repeals: 413-120-0905(T)

Last Date for Comment: 4-23-14, 5 p.m.

Summary: The rules on Intercountry Adoption Pursuant to the Hague Convention and Intercountry Adoption Act are being changed to adopt as permanent a temporary rule that expanded the definition of "relative" to include the unrelated parent of a half-sibling and their specified blood relatives, for the purpose of placing the half-siblings together in an intercountry adoption. In addition, the rules are being changed to update related definitions and references and remove unnecessary language.

Written comments may be submitted until April 23, 2014 at 5:00 p.m. Written comments may be submitted via e-mail to Kris.A.Skaro@state.or.us, faxed to 503-373-7032, or mailed to Kris Skaro, Rules Coordinator, DHS - Child Welfare Programs, 500 Summer Street NE, E-48, Salem, Oregon, 97301. The Department provides the same consideration to written comment as it does to any oral or written testimony provided at the public hearing.

Rules Coordinator: Kris Skaro

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

Telephone: (503) 945-6067

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Rule Caption: Changing OARs affecting Child Welfare programs

Date:	Time:	Location:
4-23-14	8:30 a.m.	500 Summer St. NE, Rm. 254 Salem, OR

Hearing Officer: Kris Skaro

Stat. Auth.: ORS 409.027, 409.050, 418.005, 418.598 & 419B.017

Stats. Implemented: ORS 181.557, 409.010, 409.185, 418.005, 418.015, 418.580, 419B.015, 419B.017 & 419B.020

Proposed Adoptions: 413-015-0404, 413-015-0422, 413-015-0428, 413-015-0432, 413-015-0437, 413-015-9000, 413-015-9010, 413-015-9020, 413-015-9030, 413-015-9040

Proposed Amendments: 413-015-0100, 413-015-0105, 413-015-0115, 413-015-0125, 413-015-0205, 413-015-0210, 413-015-0211, 413-015-0212, 413-015-0213, 413-015-0215, 413-015-0220, 413-015-0225, 413-015-0400, 413-015-0403, 413-015-0405, 413-015-

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0409, 413-015-0415, 413-015-0420, 413-015-0425, 413-015-0435, 413-015-0440, 413-015-0445, 413-015-0450, 413-015-0455, 413-015-0470, 413-015-0475, 413-015-0520, 413-015-0525, 413-015-0535, 413-015-0550, 413-015-0560, 413-015-0565, 413-015-1110, 413-015-1125, 413-015-1210, 413-015-1220, 413-015-1230, 413-080-0050, 413-080-0052, 413-080-0054, 413-080-0055, 413-080-0059, 413-200-0409

Proposed Repeals: 413-015-0110, 413-015-0430

Last Date for Comment: 4-25-14, 5 p.m.

Summary: The Department of Human Services, Child Welfare, is adopting, amending, and repealing rules to implement a Differential Response (DR) system in Oregon; update the Oregon Safety Model (OSM) practice and reinforce OSM concepts; update the requirements to notify other agencies of certain reports of abuse; implement HB 2920 (2013); and make other general updates and housekeeping changes. DR moves away from a one-size-fits-all approach to child protection by adding an alternate response track. DR promotes partnering with parents, family, communities, and neighborhoods to keep children safe.

In Oregon's DR system, Child Welfare may respond to accepted reports of child abuse or neglect with one of two response paths: traditional or alternative. DR will ultimately be implemented statewide, but will initially be implemented on a county-by-county basis beginning in May, 2014. The Department is adopting rules that will apply only in the counties identified by the Department to implement DR, to provide requirements under the DR system for traditional and alternative response cases. The Department is also amending several rules in OAR chapter 413 to update practice and reinforce concepts consistent with the Oregon Safety Model (OSM), which has been a part of Oregon's child safety practice since 2007.

In addition to the changes specified below, the Child Protective Services (CPS) rules in division 015 are being amended to add, define, and consistently use terminology and language consistent with OSM concepts, including: impending danger safety threat; initial safety plan; ongoing safety plan; present danger safety threat; protective action plan; safe; safety threat; safety threshold; severe harm; and unsafe.

The rules listed below are also being amended to make other general updates consistent with current Department terminology and practices; to update references to the Department's electronic information system; to correct and update cross-references; to update agency and division names; to correct grammar; to remove unnecessary language; and to clarify rules and processes.

The rules on "Differential Response," OAR 413-015-9000 to 413-015-9040, are being adopted to: state the Department's authority and responsibility for child welfare services, the Department's adoption of a differential response system, and the applicability of the rules to counties that have been identified by the Department to implement DR; to state the purposes of DR; to define new terms used in the rules; to provide direction to screeners who will assign reports of child abuse or neglect for a traditional or alternative response assessment; to provide timelines for cases assigned a traditional or alternative response assessment; to provide direction to child protective services (CPS) workers on requirements of all CPS assessments and components that are unique to traditional and alternative response assessments. DR requirements include, in cases with a response time of five calendar days, attempting to schedule initial contact and offering to involve community partners. The rules are further being adopted to: provide direction to CPS workers when the type of CPS assessment is changed from alternative to traditional response; to provide direction to CPS workers when making a decision about child safety, determining whether to open a case, determining if families with safe children have moderate to high needs, and referring families for strengths and needs assessments and community services in appropriate cases; and to provide requirements for documentation, supervisory review, and extensions of time.

The rules on "Introduction to CPS Rules," OAR 413-015-0100 to 413-015-0125, are being amended to remove unnecessary language

and update and add definitions of terms used in other rules in division 015.

The rules on "Screening," OAR 413-015-0200 to 413-015-0225, are being amended to update the process the screener must follow after receipt of information related to a report of alleged child abuse or neglect; to update the process when a screener receives information on an open CPS assessment; to update the requirement to notify other agencies of certain reports of abuse, including adding requirements to notify the Teacher Standards and Practices Commission when a teacher or school administrator is identified as an alleged perpetrator in a report, and to report certain abuse cases to community mental health and developmental disabilities programs and local adult protective services.

The rules on "CPS Assessment," OAR 413-015-0400 to 413-015-0485, are being amended to update and more thoroughly describe the activities required when the Department responds to reports of child abuse or neglect, when the CPS worker makes initial contact, and when the CPS worker completes a CPS assessment, consistent with the Oregon Safety Model; to add a rule for when a CPS worker receives new information on an open CPS assessment; to update the requirements to report to, contact, or work with other agencies in certain cases, including providing the Teacher Standards and Practices Commission a completed CPS assessment when a teacher or school administrator is identified as an alleged perpetrator, and to report to community mental health and developmental disabilities programs and local adult protective services in certain cases; to provide guidance for determining if a safety threat is present by applying the safety threshold criteria, for determining the type of safety threat and how it is occurring, and for making decisions about child safety; to provide requirements for developing safety plans and protective action plans; to provide direction for determining whether a family has moderate to high needs; and to put the rules into a more logical sequence.

The following rules are also being amended to add and update language and terminology consistent with OSM concepts, consistent with the changes to above CPS rules in division 015: "Day Care Facility Investigation," OAR 413-015-0520 to 413-015-0565; "Access to Law Enforcement Data System (LEDS) in Local Child Welfare Offices," OAR 413-015-1100 to 413-015-1125; "Assessment of an Individual as a Safety Service Provider," OAR 413-015-1200 to 413-015-1230; "Monthly Contact and Monitoring Child and Young Adult Safety," OAR 413-080-0040 to 413-080-0067; and "Department Responsibilities During Screening and Assessment of a Child Abuse or Neglect Report Involving the Home of a Department Certified Foster Parent or Relative Caregiver," OAR 413-200-0404 to 413-200-0424.

In addition, the rules on "Access to Law Enforcement Data System (LEDS) in Local Child Welfare Offices," OAR 413-015-1100 to 413-015-1125, are being amended to update the notice that is provided to an individual when the Department conducts a criminal records check in a child abuse or neglect investigation, consistent with changes to ORS 181.557 made by House Bill 2920 (2013) (Oregon Laws 2013, Chapter 322).

Written comments may be submitted until April 25, 2014 at 5:00 p.m. Written comments may be submitted via e-mail to Kris.A.Skaro@state.or.us, faxed to 503-373-7032, or mailed to Kris Skaro, Rules Coordinator, DHS - Child Welfare Programs, 500 Summer Street NE, E-48, Salem, Oregon, 97301. The Department provides the same consideration to written comment as it does to any oral or written testimony provided at the public hearing.

Rules Coordinator: Kris Skaro

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

Telephone: (503) 945-6067

NOTICES OF PROPOSED RULEMAKING

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

Rule Caption: Updates and clarifies vehicle-related rules based on periodic review

Stat. Auth.: ORS 184.616, 184.612, 801.402, 802.010, 803.045, 803.050, 803.097, 805.103, 805.200, 805.220, 821.060, 821.080, 822.009 & 822.045

Stats. Implemented: ORS 801.402, 803.045, 803.050, 803.097, 803.205, 803.535, 805.103, 805.200, 805.220, 805.240, 805.242, 821.080, 822.009, 822.035 & 822.045

Proposed Amendments: 735-020-0010, 735-022-0000, 735-022-0030, 735-022-0050, 735-022-0060, 735-022-0090, 735-046-0000, 735-150-0140

Proposed Repeals: 735-022-0010

Last Date for Comment: 4-21-14, Close of Business

Summary: This rulemaking updates language and makes other changes identified during a recent review of vehicle-related rules. Changes affect rules on vehicle ownership documents, proof of compliance with federal vehicle standards, special registration plates and civil penalties that DMV may assess certified vehicle dealers found in violation of applicable laws and DMV rules.

In part, chapter 371, Oregon Laws 2009 removed law enforcement from the process of selling or disposing of disabled or abandoned vehicles. Because it is no longer issued, "sheriff's bill of sale" is deleted from the list of acceptable ownership documents and acceptable evidence of ownership to a vehicle.

The amendments to OAR 735-022-0030, 735-022-0050 and 735-022-0060 update, streamline and clarify existing text.

OAR 735-022-0090 establishes what DMV may accept as proof that a vehicle complies with federal vehicle standards for purposes of title and registration requirements. Currently, federal standards do not apply to imported vehicles that are 25 years or older. The amendment of this rule clarifies that DMV may refuse to issue title for any vehicle that is not manufactured for operation on a highway.

From 1956 to 1960, passenger plates were issued with the month and year stamped into the plate. A metal tag, rather than a sticker, was issued to show subsequent renewal dates. Many of these unique plates are currently assigned to antique and other special interest vehicles. Under the existing definition of "current use [registration plates]," these plates are issued a one-time special interest registration sticker that is required to be placed over the metal tag. This reduces the esthetic appeal of the plate. To fix this issue, DMV is amending the definition of "current use" under OAR 735-046-0000 so stickers are not issued to these plates.

OAR 735-150-0140 is amended to add to the schedule of civil penalties for certified dealers, the statutory offense of failure to provide clear title (ORS 822.045(1)(j)). Adding the violation aligns the rule with current policy. OAR 735-150-0140 is also amended to add a penalty for violation of ORS 822.605 which prohibits false swearing. Other changes are made to clarify existing text.

OAR 735-022-0010 (Requirements for Use of the Special Affidavit to Obtain Oregon Title and Registration) is repealed because the "special affidavit" no longer exists. Therefore, the rule is longer needed.

Rules Coordinator: Lauri Kunze

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

Telephone: (503) 986-3171

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Oregon Business Development Department Chapter 123

Rule Caption: This new rule division relates to the Industrial Site Readiness Assessment Program.

Stat. Auth.: ORS 285A.075 & 285B.635-285B.642

Stats. Implemented: ORS 285B.635-285B.642

Proposed Adoptions: Rules in 123-098

Last Date for Comment: 4-24-14, Close of Business

Summary: In 2013 the Legislature passed SB 253 and created the Industrial Site Readiness Assessment Program to evaluate regional industrial lands inventories.

This new division of rules establishes the standards and criteria for the approval of grants related to the program.

Rules Coordinator: Mindee Sublette

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

Telephone: (503) 986-0036

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Rule Caption: This new division of rules relates to the Industrial Site Readiness Program.

Stat. Auth.: ORS 285A.075 & 285B.625-285B.632

Stats. Implemented: ORS 285B.625-285B.632

Proposed Adoptions: Rules in 123-097

Last Date for Comment: 4-24-14, Close of Business

Summary: During the 2013 regular legislative session, the Legislature passed SB 246. SB 246 created the Industrial Site Readiness Program to provide loans and tax reimbursement arrangements to public entities for specific purposes for industrial land certified by the department as a regionally significant industrial site.

This new division of rules establishes the procedures and standards for the certification and use of the regionally significant industrial sites as well as the loan agreements and tax reimbursement arrangements.

Rules Coordinator: Mindee Sublette

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

Telephone: (503) 986-0036

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Rule Caption: This new division of rules relates to the Regional Infrastructure Fund.

Stat. Auth.: ORS 285A.075, 285B.551 & 2013 OL Ch. 786, Sec. 2-4

Stats. Implemented: ORS 285B.551 & 2013 OL Ch. 786, Sec. 2-4

Proposed Adoptions: Rules in 123-061

Last Date for Comment: 4-24-14, Close of Business

Summary: The 2013 Legislature passed SB 5533 creating the Regional Infrastructure Fund. These rules provide for the projects that shall be eligible for the fund during the current biennium resulting from HB 5201 passed during the 2014 Legislative session as well as the development of contracts.

Rules Coordinator: Mindee Sublette

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

Telephone: (503) 986-0036

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Oregon Department of Education Chapter 581

Rule Caption: Administration of prescription and nonprescription medication to students by school personnel

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 339.869 & 339.870

Proposed Amendments: 581-021-0037

Last Date for Comment: 4-10-14, 10 a.m.

Summary: Modifies rule on administration of medication to K-12 students of school personnel. Allows for administration of bronchodilators or autoinjectable epinephrine prescribed by licensed health care professional for asthma or severe allergies.

Rules Coordinator: Cindy Hunt

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

Telephone: (503) 947-5651

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Rule Caption: Transportation of students Long-Term Care and Treatment Education Programs

NOTICES OF PROPOSED RULEMAKING

Stat. Auth.: ORS 326.051, 327.006 & 343.961

Stats. Implemented: ORS 343.961

Proposed Amendments: 581-015-2574

Last Date for Comment: 4-10-14, 10 a.m.

Summary: Based on 2013 legislation the rule amendments direct resident school districts to provide transportation to students in LTCT programs each day the student receive services. The district may claim reimbursement for transportation costs from the State School Fund only when the student receives education services.

Rules Coordinator: Cindy Hunt

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

Telephone: (503) 947-5651

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Rule Caption: Implements vision screening for students who are 7 or younger

Stat. Auth.: ORS 336.211

Stats. Implemented: ORS 336.211

Proposed Adoptions: 581-021-0031

Last Date for Comment: 4-21-14, 10 a.m.

Summary: Implements 2013 legislation relating to requiring vision screening for students who are 7 years of age or younger upon entering an educational program for first time. Specifies duties for educational providers. Specifies requirements for documentation.

Rules Coordinator: Cindy Hunt

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

Telephone: (503) 947-5651

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Rule Caption: Implements K–12 class size data reporting.

Stat. Auth.: ORS 329.901

Stats. Implemented: ORS 329.901

Proposed Adoptions: 581-002-0200

Last Date for Comment: 4-21-14, 10 a.m.

Summary: Implements HB 2644 (2013). Defines class and regular assignment of teacher for purposes of data collection relating to K-12 class size. Specifies types of classes.

Rules Coordinator: Cindy Hunt

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

Telephone: (503) 947-5651

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

Rule Caption: Permanent amendments to OAR 415-065 related to the Health Professionals' Services Program (HPSP).

Date:	Time:	Location:
4-14-14	9 a.m.	500 Summer St. NE, Rm. 137-D Salem, OR

Hearing Officer: Nola Russell

Stat. Auth.: ORS 413.042 & 676.190

Stats. Implemented: ORS 676.185–676.200

Proposed Adoptions: 415-065-0071, 415-065-0075, 415-065-0080

Proposed Amendments: 415-065-0005, 415-065-0010, 415-065-0015, 415-065-0020, 415-065-0025, 415-065-0030, 415-065-0035, 415-065-0040, 415-065-0045, 415-065-0050, 415-065-0055, 415-065-0060, 415-065-0065

Last Date for Comment: 4-18-14, Close of Business

Summary: These rules establish a consolidated, statewide health professionals' services monitoring program for licensees of participating health licensing boards, as required by ORS 676.190, who are unable to practice with professional skill and safety due to a substance use disorder or mental health disorder. The program monitors enrolled licensees for compliance with monitoring agreements, report

non-compliance to a licensee's board, and perform other duties as required by ORS 676.190 to 676.200.

Rules Coordinator: Nola Russell

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

Telephone: (503) 945-7652

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

Rule Caption: Permanent amendments to OAR 309-114 regarding Informed Consent To Significant Procedures.

Date:	Time:	Location:
4-15-14	8 a.m.	500 Summer St. NE, Rm. 137-D Salem, OR 97301

Hearing Officer: Nola Russell

Stat. Auth.: ORS 179.040 & 413.042

Stats. Implemented: ORS 179.321, 426.070 & 426.385

Proposed Amendments: 309-114-0000, 309-114-0015, 309-114-0020

Last Date for Comment: 4-18-14, Close of Business

Summary: These rules prescribe standards and procedures to be observed by personnel of state institutions operated by the Authority in obtaining informed consent to significant procedures, as defined by these rules, from patients of such state institutions. These rules do not apply to routine medical procedures. Administration of significant procedures without informed consent is permitted as described in emergencies under OAR 309-114-00150010(1)(b). The purpose of these rules is to assure that the rights of patients are protected with respect to significant procedures.

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

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

Rule Caption: Extends Deadline to Change Non-emergent Medical Transportation Program; Makes Technical Changes

Date:	Time:	Location:
4-16-14	10:30 a.m.	500 Summer St. NE Conference Rm. 137B Salem, OR 97301

Hearing Officer: Sandy Cafourek

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065

Proposed Amendments: 410-136-3000, 410-136-3020, 410-136-3060, 410-136-3140, 410-136-3220, 410-136-3240

Proposed Repeals: 410-136-3000(T), 410-136-3020(T), 410-136-3060(T), 410-136-3140(T), 410-136-3220(T), 410-136-3240(T)

Last Date for Comment: 4-18-14, 5 p.m.

Summary: Amendments fix numbering issues, remove Standard as a designation of OHP clients who are not eligible for the NEMT benefit to respond to Oregon Health Plan changes effective on January 1, 2014, extend the time clients have to return reimbursement paperwork from 30 to 45 days in response to constituent requests, and clarify that an overpayment includes reimbursements made to a client and a service provider for the same service.

Rules Coordinator: Sandy Cafourek

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

Telephone: (503) 945-6430

NOTICES OF PROPOSED RULEMAKING

Rule Caption: Reorganize Rule Text for Clarity and Amend Rule Ensuring Consistency with Division Reimbursement Methodology

Date: 4-16-14
Time: 10:30 a.m.
Location: 500 Summer St. NE,
Conference Rm. 137B
Salem, OR 97301

Hearing Officer: Sandy Cafourek
Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 414.065

Proposed Amendments: 410-140-0020, 410-140-0040, 410-140-0050, 410-140-0120, 410-140-0140, 410-140-0160, 410-140-0200, 410-140-0260, 410-140-0280, 410-140-0300, 410-140-0400

Proposed Repeals: 410-140-0060, 410-140-0110, 410-140-0180, 410-140-0210, 410-140-0220, 410-140-0240, 410-140-0320, 410-140-0380

Last Date for Comment: 4-18-14, 5 p.m.

Summary: The Visual Services program administrative rules govern Division of Medical Assistance Programs' (Division) payments for vision services provided to Oregon Health Plan clients. The Division amends rules for clarity, accuracy and readability, including updating relevant references and removing duplicated language and corrects language related to reimbursement for determination of a refractive state.

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

Rule Caption: Add Arbitration Language for HCE and CCO Contracting Disputes

Date: 4-16-14
Time: 10:30 a.m.
Location: 500 Summer St. NE
Conference Rm. 137B
Salem, OR 97301

Hearing Officer: Sandy Cafourek
Stat. Auth.: ORS 414.042, 414.615, 414.625, 414.635 & 414.651
Stats. Implemented: ORS 414.610-414.685

Proposed Amendments: 410-141-3268

Proposed Repeals: 410-141-3268(T)

Last Date for Comment: 4-18-14, 5 p.m.

Summary: The Division of Medical Assistance Programs needs to amend this rule to incorporate arbitration language for when a dispute involves a Health Care Entity (HCE) who chooses not to contract with a Coordinated Care Organization (CCO). Changes have been made for clarity of rule language, legislative intent, and program requirements. This rule revision is needed immediately to assist the CCOs who currently have or will be seeking contractual relationships with a Health Care Entity.

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: Add "Without Cause" to CCO, FCHP, PCP and DCO Disenrollment Criteria Pursuant to Federal Regulations

Date: 4-16-14
Time: 10:30 a.m.
Location: 500 Summer St. NE
Conference Rm.137B
Salem, OR 97301

Hearing Officer: Sandy Cafourek
Stat. Auth.: ORS 413.032, 413.042, 414.615, 414.625, 414.635 & 414.651

Stats. Implemented: ORS 414.065 & 414.610-414.685

Proposed Amendments: 410-141-0080, 410-141-3080

Proposed Repeals: 410-141-0080(T), 410-141-3080(T)

Last Date for Comment: 4-18-14, 5 p.m.

Summary: The Division needs to amend these rules to modify the Oregon Health Plan member "without cause" disenrollment lan-

guage. This change will align with federal regulations, 42 CFR 438.56(c)(2), which allows flexibility and choice for members.

This rule revision is needed immediately to assist the Coordinated Care Organizations (CCO), the Physician Care Organizations (PCO), the Fully Capitated Health Plans (FCHP) and the Dental Care Organizations (DCO) with facilitation of disenrollment requests made to the Authority. The Division is amending these rules to comply with federal requirements and allow members to disenroll from a CCO, FCHP, PCO or DCO based on a "without cause" criteria.

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

Oregon Health Authority, Public Employees' Benefit Board Chapter 101

Rule Caption: Local government participation implementation, as required by the passage of HB 2279 (2013).

Date: 4-25-14
Time: 4 p.m.
Location: PEBB Board Rm.
1225 Ferry St. SE, Suite B
Salem, OR

Hearing Officer: Cherie Taylor
Stat. Auth.: ORS 243.061-302, 659A.060-069, 743.600-743.602 & 743.707

Stats. Implemented: ORS 243.061-302, 292.051 & 2007 OL Ch. 99

Proposed Adoptions: 101-070-0001, 101-070-0005

Proposed Repeals: 101-070-0001(T), 101-070-0005(T)

Last Date for Comment: 4-25-14, 5 p.m.

Summary: The Oregon Health Authority, Public Employees' Benefit Board (OHA/PEBB), proposes to adopt permanent Oregon Administrative Rules implementing local government participation in PEBB health plans.

Rules Coordinator: Cherie Taylor
Address: Oregon Health Authority, Public Employees' Benefit Board, 1225 Ferry St. SE, Suite B, Salem, OR 97301
Telephone: (503) 378-6296

Oregon Health Authority, Public Health Division Chapter 333

Rule Caption: Updating rules for medical marijuana pertaining to registration fees for disabled veterans

Date: 4-16-14
Time: 1 p.m.
Location: Portland State Office Bldg.
800 NE Oregon St., Rm. 1E
Portland, OR 97232

Hearing Officer: Jana Fussell
Stat. Auth.: ORS 475.338
Stats. Implemented: ORS 475.300-475.346

Proposed Amendments: 333-008-0020

Last Date for Comment: 4-22-14, 5 p.m.

Summary: The Oregon Health Authority, Public Health Division, Oregon Medical Marijuana Program (OMMP) is proposing to amend OAR 333-008-0020 relating to reduced fees for veterans with disabilities or who receive need-based pensions from the Veterans Administration.

The Oregon Medical Marijuana Act (OMMA) mandates the Authority to adopt a fee structure in rule. The OMMP is proposing to amend its rules to reduce the application fee for veterans with 100% service-connected disabilities or who receive a needs-based pension from the VA based on a finding by the VA of non-service connected disability.

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

NOTICES OF PROPOSED RULEMAKING

Oregon Health Insurance Exchange Chapter 945

Rule Caption: Contested case hearings, definitions, and minor corrections.

Date:	Time:	Location:
4-18-14	10 a.m.	16760 SW Upper Boones Ferry Rd. Suite 200 Durham, OR 97224

Hearing Officer: Gregory Jolivet

Stat. Auth.: ORS 741.002

Stats. Implemented: ORS 741.002, 741.500 & 183.452

Proposed Adoptions: 945-040-0180

Proposed Amendments: Rules in 945-040

Last Date for Comment: 4-25-14, 5 p.m.

Summary: Adopting permanent rule to authorize use of lay representation in contested case hearings. Amending definitions to add a few terms. Making various minor modifications.

Rules Coordinator: Gregory Jolivet

Address: Oregon Health Insurance Exchange, 16760 SW Upper Boones Ferry Rd., Suite 200, Durham, OR 97224

Telephone: (503) 373-9406

Oregon Health Licensing Agency Chapter 331

Rule Caption: Allow certified clinical sex offender therapists to supervise up to 4 certified associate therapists.

Stat. Auth.: ORS 675.365, 676.586 & 676.615

Stats. Implemented: ORS 675.365 & 676.586

Proposed Amendments: 331-810-0055

Last Date for Comment: 4-28-14, 5 p.m.

Summary: Allow certified clinical sex offender therapists to supervise up to 4 certified associate sex offender therapists.

Rules Coordinator: Samantha Patnode

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

Telephone: (503) 373-1917

Oregon Patient Safety Commission Chapter 325

Rule Caption: Establishes rules required by Oregon Laws 2013, Chapter 5 to implement Early Discussion and Resolution

Date:	Time:	Location:
4-17-14	9 a.m.	Dept. of Environmental Quality 811 SW 6th Ave., 10th Floor. Portland, OR

Date:	Time:	Location:
4-23-14	12:30 p.m.	Lane County Health and Human Services 151 W 7th Ave. Eugene OR

Hearing Officer: Shannon O'Fallon

Stat. Auth.: 2013 OL Ch. 5

Stats. Implemented: 2013 OL Ch. 5

Proposed Adoptions: 325-035-0001 – 325-035-0045

Last Date for Comment: 4-30-14, Close of Business

Summary: These rules summarize the confidential process established in Oregon Laws 2013, Chapter 5 (SB 483) related to resolution of health care matters. These rules specify the form and content for filing a notice of adverse health care incident with the Oregon Patient Safety Commission by a patient, health care provider or health care facility. The rules also specify the process for discussions with all parties to seek resolution about the incident and mediation if necessary to attempt to resolve the matter.

Rules Coordinator: Bethany A. Walmsley

Address: Oregon Patient Safety Commission, PO Box 285, Portland, OR 97204

Telephone: (503) 224-9226

Oregon State Marine Board Chapter 250

Rule Caption: Placement procedures for informational and regulatory waterway markers by public entities and individuals

Date:	Time:	Location:
4-17-14	6 p.m.	435 Commercial St. NE, #400 Salem OR

Hearing Officer: Rachel Bullene

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.110

Proposed Adoptions: Rules in 250-010

Proposed Amendments: Rules in 250-010

Proposed Repeals: Rules in 250-010

Proposed Renumberings: Rules in 250-010

Proposed Ren. & Amends: Rules in 250-010

Last Date for Comment: 4-17-14, Close of Hearing

Summary: These rules will describe the characteristics and standards for regulatory and informational waterway markers (buoys and signs) used on the waters of this state that convey official messages to boat operators. In addition, the rules will establish procedures for public bodies and individuals to apply for a permit to place approved waterway markers of their own (those markers not placed by the US Coast Guard or the Oregon State Marine Board).

Rules Coordinator: June LeTarte

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

Telephone: (503) 378-2617

Oregon University System Chapter 580

Rule Caption: To supersede all prior Academic Year and Summer Session Fee Book rules.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Proposed Amendments: 580-040-0040

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

Summary: To establish tuition and fees for the Academic Year 2014–15 and Summer Session 2015. Online public comment website will be available 4/21/14 through 5/2/14 and may be accessed at www.ous.edu/factreport/tuition.

Rules Coordinator: Marcia M. Stuart

Address: Oregon University System, PO Box 3175, Eugene, OR 97403-0175

Telephone: (541) 346-5749

Oregon University System, Eastern Oregon University Chapter 579

Rule Caption: Amend Special Student and Course Fees

Stat. Auth.: ORS 351.070

Other Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Proposed Amendments: 579-020-0006

Last Date for Comment: 4-25-14, 3 p.m.

Summary: Amend fees charged to students for special uses of facilities, services or supplies at Eastern Oregon University.

Rules Coordinator: Teresa Carson-Mastrude

Address: Oregon University System, Eastern Oregon University, One University Blvd., Inlow Hall 202A, La Grande, OR 97850

Telephone: (541) 962-3773

Oregon University System, Oregon Institute of Technology Chapter 578

Rule Caption: Amend annual fee schedules, vehicle-related rules and Revolving Charge Account Plan.

NOTICES OF PROPOSED RULEMAKING

Date: 4-23-14
Time: 4 p.m.
Location: 3201 Campus Dr., Mt. Bailey
Klamath Falls, OR 97601

4-25-14 4 p.m. 27500 SW Parkway Ave., Rm. 106
Wilsonville, OR 97070

Hearing Officer: Courtney Tacchini

Stat. Auth.: ORS 51

Stats. Implemented: ORS 351-070

Proposed Amendments: 578-041-0030, 578-041-0040, 578-072-0020, 578-072-0030, 578-072-0040, 578-072-0050, 578-072-0060, 578-072-0070, 578-072-0080

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

Summary: 578-041-0030 Amends the Schedule of Special Institution Fees and Charges. Amendments allow for increases, revisions, additions or deletions of special course fees, and general service fees for fiscal year 2014-2015. The schedule of subject fees may be obtained from the Oregon Institute of Technology Business Affairs Office and available at <http://www.oit.edu/college-costs/tuition-fees>.

578-041-0040 Amends the Revolving Charge Account Plan. Amendment allows for changes in the schedule of required payments and terms of the eligibility on the plan.

578-072-0020 Amends the Vehicle Registration Requirements. Amendment changes the purchase locations for permits, placement of permits on or in vehicle and type of available permits.

578-072-0030 Amends Parking Permit and Fees. Amendment sets for increases and additions of parking fines.

578-072-0040 Amends Driving on Campus Rule. Amendment will be re-written to allow for Administrative Parking Rules on both campuses of Oregon Institute of Technology.

578-072-0050 Amends Parking on Campus. Amendment will incorporate both campuses of Oregon Institute of Technology into the Administrative Rule for parking on campus.

578-072-0060 Amends Application of Motor Vehicle Laws of the State of Oregon. Amendment will allow for both campuses of Oregon Institute of Technology to follow State of Oregon motor vehicle Laws.

578-072-0070 Amends Penalties for Offenses. Amendments sets increases and additions of parking penalties for fiscal year 2014-2015. The schedule of subject fees may be obtained from the Oregon Institute of Technology Business Affairs Office.

578-072-0080 Amends Enforcement of Penalties. Amendment will be revised to include both campuses of Oregon Institute of Technology.

Rules Coordinator: Denise Reid

Address: Oregon University System, Oregon Institute of Technology, 3201 Campus Drive, Klamath Falls, OR 97601

Telephone: (541) 885-1227

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**Oregon University System,
Southern Oregon University
Chapter 573**

Rule Caption: Special Fees

Date: 4-30-14
Time: 3 p.m.
Location: 1250 Siskiyou Blvd.
Ashland, OR

Hearing Officer: Patti S. Eliot

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Proposed Amendments: 573-040-0005

Last Date for Comment: 5-7-14, 4:30 p.m.

Summary: The proposed rule amendments eliminate fees that are no longer necessary and establish, increase, or decrease fees to more accurately reflect the actual costs of instruction for certain courses and special services not otherwise funded through the institution's operating budget.

Rules Coordinator: Treasa Sprague

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

Telephone: (541) 552-6319

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**Public Utility Commission
Chapter 860**

Rule Caption: Rulemaking to Implement Section 1 of 2013 HB 2801 — Whole Building Assessment.

Date: 5-6-14
Time: 9:30 a.m.
Location: Public Utility Commission
Hearing Rm.
3930 Fairview Industrial Dr. SE
Salem, OR

Hearing Officer: Traci A.G. Kirkpatrick

Stat. Auth.: ORS Ch. 183, 469, 756 & 757

Stats. Implemented: ORS 469.631-469.645, 469.860-469.900, 756.040, 757.262, 757.612 & 2013 OL Ch. 283, Sec. 1

Proposed Adoptions: 860-030-0100, 860-030-0110

Proposed Amendments: 860-030-0000, 860-030-0005

Proposed Ren. & Amends: 850-027-0310 to 860-030-0013

Last Date for Comment: 5-16-14, 5 p.m.

Summary: The proposed changes (a) establish a definition for 'Whole Building Assessment' and how the concept of a single project will be authorized, and (b) make additional clarifying and house-keeping changes to existing rules.

Rules Coordinator: Diane Davis

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

Telephone: (503) 378-4372

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**Teacher Standards and Practices Commission
Chapter 584**

Rule Caption: Adopts and amends licensure, accreditation and professional practices rules of the Commission.

Stat. Auth.: ORS 192, 283 & 342

Stats. Implemented: ORS 192.440, 283.110, 342.120-342.430, 342.455-342.495, 342.533, 342.553 & 342.985

Proposed Adoptions: 584-001-0016, 584-018-0011, 584-023-0030, 584-060-0501, 584-060-0525, 584-060-0530

Proposed Amendments: 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

Proposed Repeals: 584-001-0015, 584-036-0067, 584-060-0001, 584-060-0022

Last Date for Comment: 7-30-14, 4 p.m.

Summary: Adopts and amends rules related to licensure of professional educators; adopts and amends rules related to fees for public records; adopts and amends rules related to Charter School professional educators; amends rules related to accreditation of professional educator preparation programs.

Rules Coordinator: Victoria Chamberlain

Address: Teacher Standards and Practices Commission, 250 Division St. NE, Salem, OR 97301

Telephone: (503) 378-6813

ADMINISTRATIVE RULES

Board of Examiners for Engineering and Land Surveying Chapter 820

Rule Caption: To repeal temporary rules and to properly file permanent rules.

Adm. Order No.: BEELS 2-2014

Filed with Sec. of State: 2-26-2014

Certified to be Effective: 2-26-14

Notice Publication Date: 2-1-2014

Rules Amended: 820-001-0020, 820-001-0025, 820-010-0010, 820-010-0305, 820-010-0442, 820-010-0620, 820-010-0621

Rules Repealed: 820-001-0020(T), 820-010-0010(T), 820-010-0305(T), 820-010-0442(T), 820-010-0620(T), 820-010-0621(T)

Subject: To repeal temporary rules related to public records requests, the Board's contracting policies, digital signatures and final documents, and to properly re-file as permanent rules.

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

820-001-0020

Fees for Public Records and Publications

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

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

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

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

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

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

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

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

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

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

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

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

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 2-2004, f. & cert. ef. 7-14-04; BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 6-2013, f. & cert. ef. 9-11-13; 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 2-2014, f. & cert. ef. 2-26-14

820-001-0025

Purchasing and Contracting

For personal services consultant contracts with professional engineers, professional land surveyors, and registered professional photogrammetrists, the Board shall:

(1) Solicit Requests for Qualifications from no fewer than three consultants when feasible;

(2) Select consultants to provide engineering, land surveying or photogrammetric mapping services on the basis of the consultants' qualifications for the type of professional service required;

(3) Solicit or use pricing policies and proposals or other pricing information, including the number of hours proposed for the service required, expenses, hourly rates and overhead, to determine consultant compensation only after the Board has selected a candidate pursuant to section (2) of this rule.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 1-2013, f. & cert. ef. 3-13-13; BEELS 10-2013(Temp), f. & cert. ef. 12-5-13 thru 3-14-14; BEELS 2-2014, f. & cert. ef. 2-26-14

820-010-0010

Definitions

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

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

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

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

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

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

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

(b) Establishing quality controls for the services rendered;

(c) Communicating with clients;

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

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

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

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

(6) "Supervision and control," as used in ORS 672.002(10), means establishing the nature of, directing and guiding the preparation of, and

ADMINISTRATIVE RULES

approving the work product and accepting responsibility for the work product, as evidenced by performing the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(20) Acronyms:

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

(b) ACCE — American Council for Construction Education;

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

(d) EAC — Engineering Accreditation Commission of ABET;

(e) EI — Engineering Intern;

(f) FE — Fundamentals of Engineering;

(g) FLS — Fundamentals of Land Surveying;

(h) LSI — Land Surveying Intern;

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

(j) TAC — Technology Accreditation Commission of ABET.

(k) PE — Professional Engineer;

(l) PLS — Professional Land Surveyor;

(m) RPP — Registered Professional Photogrammetrist;

(n) CWRE — Certified Water Right Examiner.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 16, f. 3-5-74, ef. 3-25-74; EE 17, f. 4-22-74, ef. 5-11-74; EE 20, f. & ef. 12-15-77; EE 1-1987, f. & ef. 1-5-87; EE 1-1992, f. & cert. ef. 2-3-92; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; BEELS 1-1998, f. & cert. ef. 2-10-98; BEELS 1-2000, f. & cert. ef. 1-14-00; BEELS 4-2000, f. & cert. ef. 8-4-00; BEELS 5-2000, f. & cert. ef. 10-19-00; BEELS 1-2001, f. & cert. ef. 5-22-01; BEELS 1-2002, f. & cert. ef. 3-13-02; BEELS 1-2004, f. & cert. ef. 1-26-04; BEELS 2-2004, f. & cert. ef. 7-14-04; BEELS 1-2005, f. & cert. ef. 3-16-05; BEELS 6-2005, f. & cert. ef. 12-13-05; BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 2-2007, f. & cert. ef. 4-5-07; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 2-2008, f. & cert. ef. 7-9-08; BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 2-2009, f. & cert. ef. 11-13-09; BEELS 6-2013, f. & cert. ef. 9-11-13; 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 2-2014, f. & cert. ef. 2-26-14

820-010-0305

Fees

(1) The Board has determined an outside testing provider will administer examinations on behalf of the Board. In addition to state fees, all approved applicants are charged for the test administration fee in addition to any book or scoring fees or any other examination-related fees. The applicant must pay all these costs in advance to the Board and the outside testing provider. The amount for each specific application is compiled in section (2) of this rule. Where applicable, the initial activation and certificate fee must be included. The total amount for each specific application is compiled in a fee schedule published separately. The amount to be submitted will be equal to a total of items (a) through (c) in this section. Actual dollar amounts for application, initial activation, renewal and certificate are listed in sections (2) and (3) of these rules:

(a) Fee for application.

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

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

(2) Fees for examination application:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- (g) Proctor Request — \$100.
- (3) Fees for certification, registration, and renewal:
 - (a) Professional wall certificate — \$35.
 - (b) Application for registration as a professional engineer — \$250.
 - (c) Application for registration as a professional land surveyor — \$250.
 - (d) Application for registration as a registered professional photogrammetrist — \$250.
 - (e) Temporary permit issued under ORS 672.109 and 672.127 — \$100.
 - (f) Re-issuance of lost or mutilated pocket card — \$10.
 - (g) Issuance of certificate without examination based on experience as provided under ORS 672.255 — \$250.
 - (h) Re-score of an Oregon specific examination item — \$50.
 - (i) Annual renewal of a professional engineering certificate — \$75.
 - (j) Annual renewal of a professional land surveyor certificate — \$75.
 - (k) Annual renewal of a registered professional photogrammetrist certificate — \$75.
 - (l) Delinquency renewal fee — \$80 for any part of each two-year renewal period during delinquency.
 - (m) Fee for reinstatement for inactive or retired registrant or certificate holder — \$225.
 - (n) Annual renewal of water right examiner certificate — \$20.
 - (o) Verification of certification(s) and/or registration(s) — \$15.

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

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 2-1980, f. & ef. 5-14-80; EE 4-1981, f. & ef. 12-14-81; EE 2-1984(Temp), f. & ef. 5-7-84; EE 2-1984(Temp), f. & ef. 5-7-84; EE 4-1984, f. & ef. 12-11-84; EE 2-1987, f. & ef. 7-2-87; EE 3-1987, f. & ef. 8-25-87; EE 2-1989, f. 1-3-89, cert. ef. 1-15-89; EE 1-1990(Temp), f. & cert. ef. 5-21-90; EE 1-1991(Temp), f. 8-14-91, cert. ef. 9-1-91; EE 2-1991, f. & cert. ef. 9-23-91; EE 1-1992, f. & cert. ef. 2-3-92; EE 2-1992, f. & cert. ef. 2-4-92; EE 4-1992, f. & cert. ef. 7-22-92; EE 2-1993(Temp), f. & cert. ef. 2-22-93; EE 3-1993, f. & cert. ef. 6-3-93; EE 2-1994, f. & cert. ef. 7-22-94; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; EE 2-1997, f. & cert. ef. 8-6-97; BEELS 3-1998, f. & cert. ef. 5-11-98; BEELS 1-1999, f. 5-27-99, cert. ef. 7-1-99; BEELS 1-2000, f. & cert. ef. 1-14-00; BEELS 3-2000, f. 3-17-00, cert. ef. 3-20-00; BEELS 3-2001, f. & cert. ef. 11-26-01; BEELS 3-2002, f. & cert. ef. 11-13-02; BEELS 4-2002, f. & cert. ef. 12-3-02; BEELS 6-2005, f. & cert. ef. 12-13-05; BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 1-2008, f. & cert. ef. 3-12-08; BEELS 2-2009, f. & cert. ef. 11-13-09; BEELS 1-2010, f. & cert. ef. 5-12-10; BEELS 1-2011, f. & cert. ef. 1-14-11; BEELS 1-2012(Temp), f. & cert. ef. 3-16-12 thru 5-15-12; BEELS 2-2012, f. & cert. ef. 5-10-12; BEELS 6-2013, f. & cert. ef. 9-11-13; 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 2-2014, f. & cert. ef. 2-26-14

820-010-0442

Application Deadlines

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

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

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

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

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

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

(a) Request must be made in writing; and

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

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

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

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

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

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

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

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

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 2-2012, f. & cert. ef. 5-10-12; BEELS 6-2013, f. & cert. ef. 9-11-13; 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 2-2014, f. & cert. ef. 2-26-14

820-010-0620

Official Seal

(1) Seals, as referenced by ORS 672.020(2) and 672.025(2), must contain the printed name of the registrant, the date of registration, the number of the registrant's certificate of registration, and the registrant's professional title. The registrant's printed name on the seal will be exactly the same as the name printed on registrant's certificate of registration.

(2) The size, design and content of the seal will be an exact replica, in style, of the examples shown in Exhibit 1 (Official Seals) for the profession or branch of the profession in which the registrant is licensed. (A tolerance of 1/4" is permitted as to the size of the seal). The expiration or renewal date may be made part of the seal. If the expiration or renewal date is not made part of the seal, it must be handwritten, in permanent ink, after the word "Expires" or "Renews." Reduced or enlarged seals are not permitted on final documents. In addition to these requirements, registrants will use the following seals:

(a) Professional engineers holding a structural engineering certificate will use the seal with the designation "Structural" above the words "Registered Professional Engineer," as shown in Exhibit 1-b. Other registered professional engineers will use the seal shown in Exhibit 1-a; [Exhibit not included. See ED. NOTE.]

(b) Registered professional traffic engineer, who may practice only traffic engineering will use the seal shown in Exhibit 1-f; [Exhibit not included. See ED. NOTE.]

(c) Registered professional land surveyors will use the seal shown in Exhibit 1-c; [Exhibit not included. See ED. NOTE.]

(d) Registered professional photogrammetrists will use the seal shown in Exhibit 1-d; [Exhibit not included. See ED. NOTE.]

(e) Registered water rights examiners will use the seal shown in Exhibit 1-e. [Exhibit not included. See ED. NOTE.]

(3) The seal may be applied to a document by rubber stamp or it may be computer-generated onto the document.

(4) The registrant will sign through the middle of the seal or in the place on the seal as indicated for signature, in handwriting, and in permanent ink.

(5) A digital signature, for final documents is acceptable as an alternative to a handwritten signature in permanent ink if the digital signature:

(a) Is unique to the registrant using it;

(b) Is independently verifiable by a Certificate Authority (3rd Party);

(c) Is under the sole control of the registrant using it;

(d) Is linked to the document in such a manner that the digital signature is invalidated if any data in the document is changed; and

(e) Bears the phrase "digital signature" in place of a handwritten signature.

(6) Only individuals registered as professional engineers, professional traffic engineers, professional land surveyors, professional photogrammetrists, or certified water rights examiners may use a seal with a shape, form or wording similar to those shown in Exhibit 1. Using such a seal without registration constitutes falsely representing that the person is authorized to practice the profession.

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

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 16, f. 3-5-74, ef. 3-25-74; EE 20, f. & ef. 12-15-77; EE 2-1986, f. 3-26-86, ef. 3-31-86; EE 4-1987, f. & ef. 12-1-87; EE 1-1992, f. & cert. ef. 2-3-92; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; BEELS 1-1998, f. & cert. ef. 2-10-98; BEELS 1-2000, f. & cert. ef. 1-14-00; BEELS 3-2006(Temp), f. & cert. ef. 12-5-06 thru 6-3-07; Administrative Correction, 6-16-07; BEELS 4-2007, f. & cert. ef. 8-15-07; BEELS 2-2008, f. & cert. ef. 7-9-08; BEELS 2-2009, f. & cert. ef. 11-13-09; BEELS 6-2013, f. & cert. ef. 9-11-13; 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 2-2014, f. & cert. ef. 2-26-14

820-010-0621

Final Documents

(1) In addition to the final documents identified in ORS 672.020(2) and 672.025(2), final documents include plats, design information, and calculations. All final documents must bear the seal and signature of the registrant under whose supervision and control they were prepared.

ADMINISTRATIVE RULES

(2) Documents that are not final documents must be marked as “preliminary”, “not for construction”, “review copy”, “draft copy, subject to change”, or with some similar wording to indicate that the documents are not intended to represent the final work product of the registrant.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 3-2006(Temp), f. & cert. ef. 12-5-06 thru 6-3-07; BEELS 2-2007, f. & cert. ef. 4-5-07; BEELS 2-2012, f. & cert. ef. 5-10-12; BEELS 6-2013, f. & cert. ef. 9-11-13; 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 2-2014, f. & cert. ef. 2-26-14

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

Rule Caption: Revises rule regarding qualifications of audiologists supervising required clinical experience of doctoral students in audiology.

Adm. Order No.: SPA 1-2014

Filed with Sec. of State: 3-7-2014

Certified to be Effective: 3-7-14

Notice Publication Date: 12-1-2013

Rules Amended: 335-060-0007

Subject: Revises the qualifications for supervisors of audiology trainees completing their supervised clinical experience after August 1, 2007 as part of a clinical doctoral program in audiology.

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

335-060-0007

Licensure of Audiologists

(1) “Degree requirements” under ORS 681.264(2):

(a) For those applicants completing their graduate program after 1993 but prior to August 1, 2007 are those outlined in the 1993 Certification Standards for Audiologists as promulgated by the Council For Clinical Certification (CFCC) of the American Speech-Language-Hearing Association.

(A) Completion of at least 75 graduate credits in audiology;

(B) A clinical practicum of 350 clock hours of direct patient care, of which 250 must be at the graduate level. Supervision must be provided by an audiologist who holds a Certificate of Clinical competency from the American Speech-Language-Hearing Association or certification from the American Board of Audiology.

(C) Credit earned for a thesis or capstone project, if part of the accredited graduate program.

(b) For those applicants completing their graduate program after August 1, 2007 are those outlined in the 2007 Certification Standards for Audiologists as promulgated by the Council For Clinical Certification (CFCC) of the American Speech-Language-Hearing Association.

(A) Completion of coursework required by an accredited program granting the clinical doctorate degree in audiology;

(B) Includes supervised clinical experience of not less than 1,820 hours (52 weeks at 35 hours per week).

(2) “Supervised clinical experience” under ORS 681.264(3) means:

(a) For those applicants completing their graduate program after 1993 but prior to August 1, 2007 a program of clinical work that is:

(A) Begun after completing all graduate degree requirements;

(B) Supervised by an audiologist who holds a Certificate of Clinical competency from the American Speech-Language-Hearing Association or certification from the American Board of Audiology;

(C) A minimum of 35 hours per week for 52 weeks of practice, or its equivalent, for a total of not less than 1,820 hours;

(D) A minimum of 50% of the hours spent in direct client/patient contact (assessment/diagnosis/evaluation, screening, treatment, report writing, family/client consultation, and/or counseling), with the remainder in related record keeping and administrative duties.

(b) For those applicants completing their graduate program after August 1, 2007 a program of clinical work that is:

(A) Incorporated into an accredited graduate program awarding a clinical doctorate (Au.D.) degree in audiology;

(B) Supervised by an audiologist who holds a valid state license to practice audiology;

(C) A minimum of 1,820 hours.

(3) “Examinations” under ORS 681.264(4) means the Praxis Examination in Audiology as administered by the Educational Testing Service. Applicants must attain a passing score to qualify for licensure.

(4) Applicants whose graduate program was not conducted in English may be required to submit scores from the following standardized tests to demonstrate English language proficiency:

(a) The internet-based Test of English as a Foreign Language (TOEFL) with minimum scores of 100 overall, 26 in writing, and 26 in speaking; or

(b) The paper-based TOEFL and Test of Spoken English (TSE) with minimum scores of 600 overall; 5 on the essay; and 50 on the TSE; or

(c) The computer-based TOEFL and TSE with minimum scores of 250 overall; 5 on the essay; and 50 on the TSE.

(5) Applicants must demonstrate current professional competence as follows:

(a) Completion of graduate program within the 12 months prior to application; or

(b) Completion of 15 hours of professional development within the 12 months prior to application.

(c) Any hours completed in the current professional development period may also be counted towards meeting the professional development requirement for the next active license renewal.

(6) For those audiologists completing their graduate program before 1993, “degree requirements”, “supervised clinical experience” and “examinations” mean those in effect for ASHA certification at the time training was completed.

Stat. Authority: ORS 681

Stats. Implemented: ORS 681.250 & 681.264

Hist.: SPA 2-2011, f. & cert. ef. 10-10-11; SPA 1-2012, f. & cert. ef. 2-23-12; SPA 2-2012, f. & cert. ef. 12-14-12; SPA 1-2013, f. 4-1-13, cert. ef. 5-1-13; SPA 1-2014, f. & cert. ef. 3-7-14

Board of Nursing Chapter 851

Rule Caption: To reflect statutory changes and Board decisions implementing those changes

Adm. Order No.: BN 1-2014

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

Certified to be Effective: 4-1-14

Notice Publication Date: 2-1-2014

Rules Amended: 851-070-0005, 851-070-0040, 851-070-0080, 851-070-0090, 851-070-0100

Subject: The rules are revised to reflect statutory changes made during the 2013 legislative session, and subsequent decisions by the Board on implementing those changes. The proposed amendments:

1. Update the definition of the Diagnostic and Statistical Manual (DSM) to reflect that the DSM is now in its fifth edition (“DSM 5”).

2. Make clear that the Board does not authorize the program to approve or disapprove medications prescribed to a licensee for a documented medical condition.

3. Make clear the Board does not authorize the program to approve, or modify treatment plans developed by an Independent third-party evaluator.

4. Require Licensees with a mental health disorder to submit to random toxicology testing only when such testing is recommended by an Independent third-party evaluator.

5. Reflect statutory language relating to civil commitments and program enrollment solely for mental health disorders.

Rules Coordinator: Peggy A. Lightfoot—(971) 673-0638

851-070-0005

Definitions

The following definitions apply to OAR chapter 851, division 070, except as otherwise stated in the definition:

(1) “Abstinence” means the avoidance of all intoxicating substances, including but not limited to prescription or over-the-counter drugs with a potential for abuse or dependence;

(2) “Assessment or evaluation” means the process an independent third-party evaluator uses to diagnose the licensee and to recommend treatment options for the licensee.

(3) “Board” means the Oregon State Board of Nursing.

(4) “Business day” means Monday through Friday, except legal holidays as defined in ORS 187.010 (or 187.020).

(5) “Diagnosis” means the principal mental health or substance use diagnosis listed in the Diagnostic and Statistical Manual (DSM). The diagnosis is determined through the assessment and any examinations, tests or

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consultations suggested by the assessment and is the medically appropriate reason for services.

(6) "Division" means the Department of Human Services, Addictions and Mental Health Division.

(7) "DSM" means the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association.

(8) "Federal regulations" means:

(a) As used in ORS 676.190(1)(f)(D), a "positive toxicology test result as determined by federal regulations pertaining to drug testing" means test results meet or exceed the cutoff concentrations shown in 49 CFR § 40.87 (2009) must be reported as substantial non-compliance, but positive toxicology results for other drugs and for alcohol may also constitute and may be reported as substantial non-compliance.

(b) As used in ORS 676.190(4)(i), requiring a "licensee to submit to random drug or alcohol testing in accordance with federal regulations" means licensees are selected for random testing by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with licensees' unique identification numbers or other comparable identifying numbers. Under the selection process used, each covered licensee shall have an equal chance of being tested each time selections are made, as described in 40 CFR § 199.105(c)(5) (2009). Random drug tests must be unannounced and the dates for administering random tests must be spread reasonably throughout the calendar year, as described in 40 CFR § 199.105(c)(7) (2009).

(9) "Fitness to practice evaluation" means the process a qualified, independent third-party evaluator uses to determine if the licensee can safely perform the essential functions of the licensee's health practice.

(10) "Final enrollment" means a self-referred licensee has provided all documentation required by OAR 851-070-0040 and has met all eligibility requirements to participate in the HPSP.

(11) "Independent third-party evaluator" means an individual who is approved by a licensee's Board to evaluate, diagnose, and offer treatment options for substance use disorders, mental health disorders or co-occurring disorders.

(12) "Individual service record" means the official permanent HPSP documentation, written or electronic, for each licensee, which contains all information required by these rules and maintained by the HPSP to demonstrate compliance with these rules.

(13) "Licensee" means a licensed practical nurse, registered nurse, or advanced practice registered nurse who is licensed or certified by the Oregon State Board of Nursing.

(14) "Mental health disorder" means a clinically significant behavioral or psychological syndrome or pattern that occurs in an individual and that is associated with present distress or disability or with a significantly increased risk of suffering death, pain, disability, or an important loss of freedom that is identified in the DSM. "Mental health disorder" includes gambling disorders.

(15) "Monitoring agreement" means an individualized agreement between a licensee and the vendor that meets the requirements for a diversion agreement set by ORS 676.190.

(16) "Non-treatment compliance monitoring" means the non-medical, non-therapeutic services employed by the vendor to track and report the licensee's compliance with the monitoring agreement.

(17) "Nurse Monitoring Program" (NMP) refers to the alternative to the Board of Nursing's discipline program prior to July 1, 2010.

(18) "Self-referred licensee" means a licensee who seeks to participate in the program without a referral from the board

(19) "Peer" means another licensee currently enrolled in the program.

(20) "Provisional enrollment" means temporary enrollment, pending verification that a self-referred licensee meets all HPSP eligibility criteria.

(21) "Substance use disorder" means a disorder related to the taking of a drug of abuse (including alcohol); to the side effects of a medication; and to a toxin exposure, including: substance use disorders (substance dependence and substance abuse) and substance-induced disorders (including but not limited to substance intoxication, withdrawal, delirium, and dementia, as well as substance induced psychotic disorders and mood disorders), as defined in DSM criteria.

(22) "Substantial non-compliance" means that a licensee is in violation of the terms of his or her monitoring agreement in a way that gives rise to concerns about the licensee's ability or willingness to participate in the HPSP. Substantial non-compliance and non-compliance include, but are not limited to, the factors listed in ORS 676.190(1)(f). Conduct that occurred before a licensee entered into a monitoring agreement does not violate the terms of that monitoring agreement.

(23) "Successful completion" means that for the period of service deemed necessary by the vendor or by the licensee's Board by rule, the licensee has complied with the licensee's monitoring agreement to the satisfaction of the HPSP.

(24) "Toxicology testing" means urine testing or alternative chemical monitoring including blood, saliva, breath or hair as conducted by a laboratory certified, accredited or licensed and approved for toxicology testing.

(25) "Treatment" means the planned, specific, individualized health and behavioral health procedures, activities, services and supports that a treatment provider uses to remediate symptoms of a substance use disorder, mental health disorder or both types of disorders.

(26) "Vendor" means the entity that has contracted with the Division to conduct the HPSP.

Stat. Auth.: ORS 676.200

Stats. Implemented: ORS 676.200

Hist.: BN 6-2010(Temp), f. 6-23-10, cert. ef. 7-1-10 thru 12-28-10; BN 19-2010, f. & cert. ef. 12-2-10; BN 2-2013, f. 2-28-13, cert. ef. 4-1-13; BN 1-2014, f. 3-3-14, cert. ef. 4-1-14

851-070-0040

Procedure for Self- Referred Licensees

(1) Self-referred licensees may participate in the HPSP as permitted by ORS 676.190(5). Provisional Enrollment. To be provisionally enrolled in the program, a self-referred licensee must:

(a) Sign a written consent allowing disclosure and exchange of information between the vendor, the licensee's employer, independent third-party evaluators, and treatment providers, including other health care providers;

(b) Sign a written consent allowing disclosure and exchange of information between the vendor, the Board, the licensee's employer, independent third-party evaluators and treatment providers in the event the vendor determines the licensee to be in substantial non-compliance with his or her monitoring agreement as defined in OAR 851-070-0090. The purpose of the disclosure is to permit the vendor to notify the Board if the vendor determines the licensee to be in substantial non-compliance with his or her monitoring agreement;

(c) Attest that the licensee is not, to the best of the licensee's knowledge, under investigation by his or her Board; and

(d) Agree to and sign a monitoring agreement.

(2) Final Enrollment: To move from provisional enrollment to final enrollment in the program, a self-referred licensee must:

(a) Obtain at the licensee's own expense and provide to the vendor, an independent third-party evaluator's written evaluation containing a DSM diagnosis and diagnostic code and treatment recommendations;

(b) Agree to cooperate with the vendor's investigation to determine whether the licensee's practice while impaired presents or has presented a danger to the public; and

(c) Enter into an amended monitoring agreement, if required by the vendor.

(3) Once a self-referred licensee seeks enrollment in the HPSP, failure to complete final enrollment may constitute substantial non-compliance and may be reported to the Board.

Stat. Auth.: ORS 676.200

Stats. Implemented: ORS 676.200

Hist.: BN 6-2010(Temp), f. 6-23-10, cert. ef. 7-1-10 thru 12-28-10; BN 19-2010, f. & cert. ef. 12-2-10; BN 2-2013, f. 2-28-13, cert. ef. 4-1-13; BN 1-2014, f. 3-3-14, cert. ef. 4-1-14

851-070-0080

Licensee Responsibilities

(1) All licensees must:

(a) Agree to report any arrest for or conviction of a misdemeanor or felony crime to the vendor and the Board within three business days after the licensee is arrested or convicted of the crime; and

(b) Comply continuously with his or her monitoring agreement, including any restrictions on his or her practice, for at least two years or longer, as specified by the Board by rule or order;

(c) Abstain from mind-altering or intoxicating substances or potentially addictive drugs, unless prescribed for a documented medical condition by a person authorized by law to prescribe the drug to the licensee. The Board does not authorize the vendor to approve or disapprove medications prescribed to the Licensee for a documented medical condition;

(d) Report use of mind-altering or intoxicating substances or potentially addictive drugs within 24 hours;

(e) Participate in a treatment plan approved by a third party. The Board does not authorize the vendor to approve or modify treatment plans developed by an Independent third-party evaluator;

(f) Limit practice as required by the HPSP;

(g) Cooperate with supervised monitoring of practice;

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(h) Participate in a follow-up evaluation, when necessary, of licensee's fitness to practice;

(i) Submit to random drug or alcohol testing;

(j) Report at least weekly to the HPSP regarding the licensee's compliance with the monitoring agreement;

(k) Report at least weekly to the HPSP regarding the licensee's compliance with the agreement;

(l) Report any arrest for or conviction of a misdemeanor or felony crime to the HPSP within three business days after the licensee is arrested or convicted;

(m) Report applications for licensure in other states, changes in employment and changes in practice setting;

(n) Agree to be responsible for the cost of evaluations, toxicology testing and treatment;

(o) Report to the HPSP any investigations or disciplinary action by any state or state agency, including Oregon;

(p) Participate in required meetings according to the treatment plan; and

(q) Maintain current license status.

(2) In addition to the requirements listed in section one of this rule, self-referred licensees must also provide to the HPSP a copy of a report of the licensee's criminal history, at least once per calendar quarter or more often if required by the HPSP.

Stat. Auth.: ORS 676.200

Stats. Implemented: ORS 676.200

Hist.: BN 6-2010(Temp), f. 6-23-10, cert. ef. 7-1-10 thru 12-28-10; BN 19-2010, f. & cert. ef. 12-2-10; BN 1-2014, f. 3-3-14, cert. ef. 4-1-14

851-070-0090

Completion Requirements

(1) To successfully complete the Health Professionals' Services Program (HPSP), licensees with a substance use disorder, or with a mental health disorder and a substance use disorder, must have participated in the HPSP program for a minimum of four years and have worked for at least two years in a supervised monitored practice. Licensees must complete the required two years of supervised monitored practice within four years of entering the Health Professionals' Services Program.

(2) To successfully complete the Health Professionals' Services Program, licensees with a mental health disorder, but no substance use disorder, must have participated in the HPSP program for a minimum of two years and have worked for at least one year in a supervised monitored practice. Licensees with a mental health disorder may be required to submit to random alcohol or drug testing only in cases when such testing is recommended by a third-party evaluator based on a diagnosis of substance use disorder. Testing shall be consistent with the evaluator's recommendations. Licensees must complete the required year of supervised monitored practice within two years of entering the Health Professionals' Services Program.

(3) The Board may extend by one year the time within which a licensee must complete the supervised monitored practice if the licensee has remained compliant with the program.

(4) A licensee who does not complete the required term of supervised monitored practice will be discharged from the Health Professionals' Services Program and may be subject to discipline.

(5) The time spent working in a supervised monitored practice before transferring from the Nurse Monitoring Program to the Health Professionals' Services Program effective July 1, 2010, will be counted toward the required term of supervised monitored practice.

Stat. Auth.: ORS 676.200

Stats. Implemented: ORS 676.200

Hist.: BN 6-2010(Temp), f. 6-23-10, cert. ef. 7-1-10 thru 12-28-10; BN 19-2010, f. & cert. ef. 12-2-10; BN 4-2012(Temp), f. & cert. ef. 4-26-12 thru 10-1-12; BN 13-2012, f. 7-6-12, cert. ef. 8-1-12; BN 1-2014, f. 3-3-14, cert. ef. 4-1-14

851-070-0100

Substantial Non-Compliance Criteria

(1) The HPSP will report substantial non-compliance within one business day after the HPSP learns of non-compliance, including but not limited to information that a licensee:

(a) Engaged in criminal behavior;

(b) Engaged in conduct that caused injury, death or harm to the public, including engaging in sexual impropriety with a patient;

(c) Was impaired in a health care setting in the course of the licensee's employment;

(d) Received a positive toxicology test result as determined by federal regulations pertaining to drug testing;

(e) Violated a restriction on the licensee's practice imposed by the HPSP or the licensee's Board;

(f) Was civilly committed for mental illness;

(g) Entered into a diversion agreement, but failed to participate in the HPSP;

(h) Was referred to the HPSP, but failed to enroll in the HPSP;

(i) Forged, tampered with, or modified a prescription;

(j) Violated any rules of prescriptive/dispensing authority;

(k) Violated any provisions of OAR 851-070-0080;

(l) Violated any terms of the diversion agreement; or

(m) Failed to complete the monitored practice requirements as stated in OAR 851-070-0090.

(2) The Board, upon being notified of a licensee's substantial non-compliance will investigate and determine the appropriate sanction, which may include a limitation of licensee's practice and any other sanction, up to and including termination from the HPSP and formal discipline.

Stat. Auth.: ORS 676.200

Stats. Implemented: ORS 676.200

Hist.: BN 6-2010(Temp), f. 6-23-10, cert. ef. 7-1-10 thru 12-28-10; BN 19-2010, f. & cert. ef. 12-2-10; BN 2-2013, f. 2-28-13, cert. ef. 4-1-13; BN 1-2014, f. 3-3-14, cert. ef. 4-1-14

Board of Parole and Post-Prison Supervision

Chapter 255

Rule Caption: Bring the rules up to date with current Board practice

Adm. Order No.: PAR 3-2014(Temp)

Filed with Sec. of State: 2-24-2014

Certified to be Effective: 2-24-14 thru 8-13-14

Notice Publication Date:

Rules Suspended: 255-075-0079(T)

Subject: Bring the rules up to date with current Board practice, which is a result of the Court of Appeals decision in Hostetter (Hostetter v. Board of Parole and Post-Prison supervision, 353 Or 747, 304 P3d 38 (2013) denying review of Hostetter v. Board of Parole and Post-Prison Supervision, 255 Or App 328, 296 P3d 664 (2013))

Suspending the temporary rule filed February 2014 to allow for further analysis.

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

255-075-0079

Guidelines for Re-release

(1) For technical violation(s):

(a) An offender whose parole has been revoked may serve further incarceration of up to 90 days for each revocation.

(b) An offender sentenced to post-prison supervision who has been revoked and returned to custody may serve further incarceration of up to 90 days for each return, not to exceed the total revocation sanction days allowed in OAR 213-011-0004.

(2) For conduct constituting a crime:

(a) An offender whose parole has been revoked may serve further incarceration of up to 180 days for each revocation.

(b) An offender sentenced to post-prison supervision who has been revoked and returned to custody may serve further incarceration of up to 180 days, not to exceed the total revocation sanction days provided in OAR 213-11-004.

(3) For conduct constituting a crime and resulting in automatic revocation to the Department of Corrections, pursuant to ORS 144.345(2), an offender may serve further incarceration of up to 180 days.

(4) Offenders sentenced to life imprisonment or received a lifetime period of post-prison supervision for murder may serve further incarceration to the sentence expiration date. Offenders sentenced to life imprisonment for aggravated murder may serve further incarceration to the sentence expiration date.

(5) Offenders sentenced as dangerous offenders may serve repeated incarcerations of 180 days or more up to the sentence expiration date.

(6) Offenders sentenced as sexually violent dangerous offenders pursuant to HB 2327 (1999 Legislative Session) for crimes committed on or after October 23, 1999, may serve repeated incarcerations of 180 days or more for any violation of post-prison supervision unless or until the post-prison supervision is terminated by a court.

(7)(a) The commencement date for the further term of incarceration as a result of the violation of conditions shall be the date of arrest or return to Oregon custody if arrested out of state for the violation which resulted in the revocation of parole or post-prison supervision.

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(b) The commencement date for the further term of incarceration as a result of termination of parole or post-prison supervision under ORS 144.345(2) shall be the sentencing date, if no further action is taken by the Board.

(c) If the jailer, hearing officer, or Board releases the offender from custody pending the violation hearing, the time spent outside actual custody does not count toward the further term of incarceration.

(8) The Board and the Department of Corrections may develop other programs that create exceptions to the sanctions provided in this rule.

(9) Notwithstanding subsections 1-7 of this rule, the Board may choose to postpone re-release on parole pursuant to Divisions 50 and 60 of this chapter.

(10) Notwithstanding subsections 1-8 of this rule, the Board may choose to deny re-release on parole pursuant to OAR 255-075-0096.

(11) Administrative sanctions do not count toward the revocation sanction limits.

Stat. Auth.: ORS 144.107, 144.108, 144.120(4), 144.125, 144.232, 144.345, 144.346, 144.395 & 161.735

Stats. Implemented:

Hist.: PAR 1-1989(Temp), f. & ef. 4-19-89; PAR 3-1989, f. 10-13-89, ef. 10-16-89; PAR 4-1989, f. & ef. 11-1-89; PAR 6-1990(Temp), f. & cert. ef. 10-15-90; PAR 1-1991, f. & cert. ef. 1-16-91; PAR 8-1992, f. & cert. ef. 10-9-92; PAR 4-1993, f. & cert. ef. 10-29-93; PAR 11-1997(Temp), f. & cert. ef. 11-14-97; PAR 1-1998, f. & cert. ef. 5-11-98; PAR 3-2000, f. & cert. ef. 1-25-00; PAR 2-2003, f. & cert. ef. 5-13-03; PAR 5-2004(Temp), f. & cert. ef. 6-14-04 thru 12-10-04; PAR 11-2004, f. & cert. ef. 11-2-04; PAR 2-2014(Temp), f. & cert. ef. 2-14-14 thru 8-13-14; Temporary Suspended by PAR 3-2014(Temp), f. & cert. ef. 2-24-14 thru 8-13-14

Board of Pharmacy Chapter 855

Rule Caption: Amend Foreign Pharmacy Graduates rules in OAR 855-019-0150.

Adm. Order No.: BP 3-2014(Temp)

Filed with Sec. of State: 2-27-2014

Certified to be Effective: 2-28-14 thru 8-27-14

Notice Publication Date:

Rules Amended: 855-019-0150

Subject: Removes minimum score requirements for the Test of English as a Foreign Language (TOEFL) Internet based test (IBT). Requires Foreign Pharmacy Graduates applying for licensure in Oregon to provide the original certificate issued by the National Association of Boards of Pharmacy Foreign Pharmacy Graduate Examination Committee.

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

855-019-0150

Foreign Pharmacy Graduates

(1) Foreign Pharmacy Graduates applying for licensure in Oregon must meet the following requirements:

- Provide a copy of a valid visa permitting full time employment;
- Provide the original certificate issued by the NABP Foreign Pharmacy Graduate Examination Committee; and

(c) Pass the North American Pharmacist Licensure Examination (NAPLEX) exam with a score of not less than 75. A candidate who does not attain this score may retake the exam after a minimum of 91 days. This score shall only be valid for one year unless the Board grants an extension;

(d) After having completed the required number of intern hours, pass the MPJE with a score of not less than 75. A candidate who does not attain this score may retake the exam after a minimum of 30 days. The MPJE score shall only be valid for 6 months unless extended by the Board.

(2) An applicant must complete 1440 hours in pharmacy practice as an intern that must be certified to the Board by the preceptors.

(3) An applicant may not count internship hours or practice as a pharmacist completed outside the United States toward Oregon's internship requirement.

(4) An applicant may not count internship hours or practice as a pharmacist that is completed before passing the Foreign Pharmacy Graduate Equivalency Examination, and either the TOEFL with TSE, or TOEFL (IBT) exams toward Oregon's internship requirement.

(5) The Board may waive any requirement of this rule if a waiver will further public health or safety. A waiver granted under this section shall only be effective when it is issued in writing.

Stat. Auth.: ORS 689.205

Stats. Implemented: ORS 689.151 & 689.255

Hist.: BP 2-2008, f. & cert. ef. 2-20-08; BP 3-2010, f. 4-29-10, cert. ef. 4-30-10; BP 3-2014(Temp), f. 2-27-14, cert. ef. 2-28-14 thru 8-27-14

Rule Caption: Amend Schedule I Controlled Substance Rules in OAR 855-080-0021 to add gamma-butyrolactone.

Adm. Order No.: BP 4-2014(Temp)

Filed with Sec. of State: 2-27-2014

Certified to be Effective: 2-28-14 thru 8-27-14

Notice Publication Date:

Rules Amended: 855-080-0021

Subject: This temporary rule is amended to add gamma-butyrolactone as a Schedule I drug or other substance.

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

855-080-0021

Schedule I

(1) Schedule I consists of the drugs and other substances, by whatever official, common, usual, chemical, or brand name designated, listed in 21CFR part 1308.11, and unless specifically excepted or unless listed in another schedule, any quantity of the following substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

- 1,4-butanediol;
- gamma-butyrolactone
- Methamphetamine, except as listed in OAR 855-080-0022;
- Substituted derivatives of cathinone and methcathinone that are not listed in OARs 855-080-0022 through 0026 (Schedules II through V) or are not FDA approved drugs, including but not limited to,
 - Methylmethcathinone (Mephedrone);
 - Methylenedioxypropylvalerone (MDPV);
 - Methylenedioxymethylcathinone (Methylone);
 - 2-Methylamino-3',4'-(methylenedioxy)-butyrophene (Butylone);
 - Fluoromethcathinone (Flephedrone);
 - 4-Methoxymethcathinone (Methedrone).

(2) Schedule I also includes any compounds in the following structural classes (2a–2g) and their salts, that are not FDA approved drugs, unless specifically excepted or when in the possession of an FDA registered manufacturer or a registered research facility, or a person for the purpose of sale to an FDA registered manufacturer or a registered research facility: Compounds A–G.

(3) Schedule I also includes any other cannabinoid receptor agonist that is not listed in OARs 855-080-0022 through 0026 (Schedules II through V) or is not an FDA approved drug.

(4) Exceptions. The following are exceptions to subsection (1) of this rule:

- 1, 4-butanediol and gamma-butyrolactone when in the possession of a person for the purpose of its sale to a legitimate manufacturer of industrial products and the person is in compliance with the Drug Enforcement Administration requirements for List I Chemicals;
- 1,4-butanediol and gamma-butyrolactone when in the possession of a person for the purpose of the legitimate manufacture of industrial products;
- Marijuana and delta-9-tetrahydrocannabinol (THC).

Stat. Auth.: ORS 689.205

Stats. Implemented: ORS 475.035, 475.059 & 475.065

Hist.: PB 4-1987, f. & ef. 3-30-87; PB 8-1987, f. & ef. 9-30-87; PB 10-1987, f. & ef. 12-8-87; PB 15-1989, f. & cert. ef. 12-26-89; PB 9-1990, f. & cert. ef. 12-5-90; PB 5-1991, f. & cert. ef. 9-19-91; PB 1-1992, f. & cert. ef. 1-31-92 (and corrected 2-7-92); PB 1-1994, f. & cert. ef. 2-2-94; PB 1-1996, f. & cert. ef. 4-5-96; PB 1-1997, f. & cert. ef. 9-22-97; BP 4-2000, f. & cert. ef. 2-16-00; BP 9-2000, f. & cert. ef. 6-29-00; BP 2-2002(Temp), f. & cert. ef. 2-4-02 thru 7-31-02; BP 3-2002(Temp), f. & cert. ef. 3-1-02 thru 8-23-02; BP 4-2002, f. 6-27-02, cert. ef. 7-1-02; BP 5-2002, f. & cert. ef. 11-14-02; BP 1-2003, f. & cert. ef. 1-14-03; BP 1-2007, f. & cert. ef. 6-29-07; BP 8-2010, f. & cert. ef. 6-29-10; BP 10-2010(Temp), f. & cert. ef. 10-15-10 thru 4-11-11; BP 2-2011, f. & cert. ef. 4-11-11; BP 9-2013, f. & cert. ef. 10-28-13; BP 11-2013(Temp), f. & cert. ef. 12-20-13 thru 6-18-14; BP 4-2014(Temp), f. 2-27-14, cert. ef. 2-28-14 thru 8-27-14

Bureau of Labor and Industries Chapter 839

Rule Caption: Suspends Temporary Rule filed on December 15, 2013; amends rule with new Temporary Rule.

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

Filed with Sec. of State: 2-18-2014

Certified to be Effective: 2-19-14 thru 6-1-14

Notice Publication Date:

Rules Amended: 839-006-0450

Rules Suspended: 839-006-0450(T)

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Subject: The temporary rule suspends the temporary rule filed on December 15, 2013. The amendment replaces the temporary rule with a new temporary rule deleting problematic language in the rule being suspended.

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

839-006-0450

Applying the Employment Preference

(1) A public employer shall grant a preference to a veteran or disabled veteran who applies for a vacant civil service position or who seeks promotion to a civil service position with a higher maximum salary rate and who:

(a) Successfully completes an initial application screening or an application examination for the position; or

(b) Successfully completes a civil service test the employer administers to establish eligibility for the position; and

(c) Meets the minimum qualifications and any special qualifications for the position.

(2) At each stage of the application process a public employer will grant a preference to a veteran or disabled veteran who successfully completes an initial application screening or an application examination or a civil service test the public employer administers to establish eligibility for a vacant civil service position.

(3) For an initial application screening used to develop a list of persons for interviews, the public employer will add five preference points to a veteran's score and ten preference points to a disabled veteran's score.

(4) For an application examination, given after the initial application screening, that results in a score, the public employer will add five preference points to a veteran's and ten preference points to a disabled veteran's total combined examination score without allocating the points to any single feature or part of the examination.

(5) If a public employer uses an application examination that consists of an evaluation method of ranking an applicant that does not result in a score, the public employer will devise and apply methods by which the public employer gives special consideration in the public employer's hiring decision to veterans and disabled veterans.

(6) When an interview is a component of the selection process for a civil service position or for an eligibility list for a civil service position, a public employer shall interview each veteran:

(a) Whom the public employer determines meets the minimum qualifications and special qualifications for the civil service position or eligibility list; and

(b) Who submits application materials that the public employer determines show sufficient evidence that the veteran has the transferable skills required and requested by the public employer for the civil service position or eligibility list.

(7) A public employer is not required to comply with subsection (6) of this rule if the employer's practice is to generate an eligibility list without conducting interviews of possible candidates.

(8) A public employer may consult with the Oregon Military Department and the Department of Veterans' Affairs to determine whether certain military education or experience produces a transferable skill. To evaluate a veteran's transferable skills from a transcript of military training, a public employer may consult the American Council on Education's website, "A Guide to the Evaluation of Educational Experiences in the Armed Services," at <http://www.acenet.edu/news-room/Pages/Military-Guide-Online.aspx>

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 408.230, 408.235 & 408.237

Hist.: BLI 37-2008, f. 11-6-08, cert. ef. 11-10-08; BLI 8-2010, f. & cert. ef. 2-24-10; BLI 15-2011, f. 12-30-11, cert. ef. 1-1-12; BLI 2-2012, f. & cert. ef. 2-8-12; BLI 4-2013(Temp), f. 12-15-13, cert. ef. 12-16-13 thru 6-1-14; BLI 2-2014(Temp), f. 2-18-14, cert. ef. 2-19-14 thru 6-1-14

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Department of Agriculture
Chapter 603

Rule Caption: Housekeeping:add two plants to weed quarantine and renumber list, allow container production of Arundo.

Adm. Order No.: DOA 3-2014

Filed with Sec. of State: 2-20-2014

Certified to be Effective: 2-20-14

Notice Publication Date: 12-1-2013

Rules Amended: 603-052-1025, 603-052-1200, 603-052-1211

Subject: These housekeeping amendments: added false indigo bush and tree of heaven to the state noxious weed quarantine; updated the

ratings of weeds listed in the quarantine that were reclassified in 2013; re-number the list of weeds in the quarantine to improve clarity; updated the name of the Commodity Inspection Division to Market Access and Certification in the small broomrape quarantine, and amended the Arundo quarantine to allow container production of rootstock.

Rules Coordinator: Sue Gooch—(503) 986-4583

603-052-1025

Quarantine; Small Broomrape

(1) Establishing Quarantine. A quarantine is established to prevent the spread of small broomrape, *Orobanche minor*, within Oregon and to protect markets for Oregon seed crops. This quarantine is established under ORS 561.510 and 561.540 to protect Oregon's agricultural industries from the artificial spread of small broomrape. Small broomrape is not widely prevalent within or distributed throughout the state of Oregon. Small broomrape is dangerous to Oregon's agricultural industries because it parasitizes the root systems of host crop plants in the legume, potato, carrot and sunflower families. Clover is the most susceptible host. Damage includes direct yield losses, up to and including crop failure, as well as possible market losses due to restrictions imposed by trading partners on commodities potentially contaminated with small broomrape seed.

(2) Area under Quarantine: State of Oregon.

(3) Commodities Covered: Small broomrape plants including seeds, clover (*Trifolium pretense*, *T. repens*, and *T. subterraneum*) seed, and soil, commodities and equipment that may be contaminated with small broomrape seeds.

(4) Provisions of the Quarantine:

(a) Imported red clover seed lots must have been cleaned by a process that includes, at a minimum, the stages in (4)(b)(A)–(C) below or an official seed sample must be taken and tested prior to planting to ensure freedom from contamination by small broomrape seed. Contaminated lots will be returned or destroyed without expense or indemnity paid by the State.

(b) All red clover seed lots harvested in counties west of the Cascade Mountains must be cleaned by an approved process before transport, purchase, sale or offering for sale. Approved cleaning processes must include, at a minimum, all the stages in (A)–(C) below. Seed lots meeting this requirement need not be sampled and tested for small broomrape contamination.

(A) Air separator;

(B) Indent roller;

(C) Gravity separator.

(c) Alternative cleaning processes may also be acceptable if approved by the Department. Cleaning facilities using alternative processes must be under compliance agreement with the Department.

(d) The Department may take random samples of finished red clover seed lots from cleaners meeting the requirements of (b) or (c) above and test them for small broomrape. The cost of this random sampling and testing will be born by the Department. If small broomrape is found, cleaning of red clover seed will be curtailed until the cleaning process is reviewed and problems corrected. All available clover seed lots from that cleaner will be sampled and tested for small broomrape. Any infested lots will be re-cleaned and released only after testing negative for small broomrape. The costs of all follow-up sampling and testing after a positive find will be the responsibility of the cleaner. The cleaner will be put under compliance agreement before additional lots of red clover seed may be cleaned.

(e) Seed lots not meeting the cleaning requirements outlined in (b) or (c) above must be officially sampled, tested and found free of small broomrape seeds before transport, purchase, sale or offering for sale. Upon request, Department inspectors will draw official seed samples, which will be analyzed at a laboratory using a USDA-approved protocol for small broomrape testing. Costs of sampling and testing will be the responsibility of the grower or other responsible party. Contact: Market Access and Certification Programs, Oregon Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301. Telephone: (503) 986-4620. Any seed lots found to contain small broomrape seed are prohibited from transport, purchase, sale, or offering for sale until they are re-cleaned, re-tested and determined to be free from small broomrape.

(f) Screenings from seed lots contaminated with small broomrape shall be disposed of in a manner that will devitalize the seed or eliminate the risk of spread of the weed such as pelletization, burning or burying.

(5) Violation of this quarantine may result in a fine, if convicted, of not less than \$500 not 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. Commodities harvested

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or shipped in violation of this quarantine shall be treated or destroyed without expense or indemnity paid by the State.

Stat. Auth.: ORS 561.510 & 561.190

Stats. Implemented:

Hist.: DOA 6-2000, f. & cert. ef. 12-24-00; DOA 33-2000, f. & cert. ef. 12-15-00; DOA 15-2003, f. & cert. ef. 4-18-03; DOA 7-2012, f. & cert. ef. 3-26-12; DOA 3-2014, f. & cert. ef. 2-20-14

603-052-1200

Quarantine; Noxious Weeds

(1) Establishing Quarantine. A quarantine is established against the noxious weeds listed herein. Noxious weeds have been declared a menace to the public welfare (ORS 569.180 and 569.350) because of the environmental degradation that occurs when they become established.

(2) Areas Under Quarantine. The entire state of Oregon and all other States of the United States and all foreign countries.

(3) Covered Plants. For purposes of this rule the term "plants" applies to whole plants, plant parts, and seeds. This rule applies to all "A" and "B" state designated noxious weeds listed herein, except as provided in section (6). Plants on the Federal Noxious Weed List (7 C.F.R. 360.200) are also covered by this rule, with the exception of Japanese blood grass, *Imperata cylindrica*, var. Red Baron and Chinese water spinach, *Ipomoea aquatica*.

(4) "A" weeds

(a) "A" designated weeds. Weeds of known economic importance which occur in the state in small enough infestations to make exclusion, eradication, or containment possible; or which are not known to occur, but their presence in neighboring states makes future occurrence in Oregon seem imminent.

(b) "A" weeds are controlled through exclusion, early detection, and rapid response (EDRR). Control of "A" weeds is a high priority for Oregon Department of Agriculture (ODA) and the primary goal is to prevent introduction and permanent establishment of "A" weeds. If "A" weeds are introduced, and eradication is not feasible, the secondary goal is to implement control measures to contain the "A" weeds to as small an area as possible so as to prevent widespread occurrence in Oregon.

(c) When "A" weeds are detected, control actions are mandatory and the goal of such control is eradication. Any person owning or occupying property upon which "A" weeds are detected must contact the Oregon Department of Agriculture within 48 hours of detection.

(d) Upon detection of "A" weeds, ODA may develop a survey, eradication, and monitoring plan to control or eradicate detected weeds. ODA may either develop and conduct appropriate measures to control or eradicate such weeds or may enter into a contract for the purpose of controlling or eradicating "A" weeds.

(e) Control or eradication of "A" weeds may be implemented at no cost to a person owning or controlling land within this state upon which "A" weeds are detected. However, ODA may request any person owning or controlling land within this state to control, prevent the spread of, or eradicate where feasible "A" weeds, subject to supervision of such activities by the ODA.

(f) If ODA or a county are unable to control or eradicate "A" weeds on private property, any person owning or controlling land within this state must control and take measures to eliminate or prevent the possibility of spread of "A" weeds to other lands and ownerships. Control measures for "A" weeds must be implemented in a timely manner as determined by ODA. Treatments must provide sufficient levels of control to make progress toward the goal of eradication.

(g) ODA inspectors may access all lands within Oregon for the purpose of ORS 569.175 to 569.195 including carrying out the control or eradication of "A" weeds.

(h) Any person owning or controlling land within this state found in violation of ORS 569.175 to 569.195 or these rules may be subject to fines up to the maximum for Class B violations.

(i) The following is a list of "A" weeds:

African rue — *Peganum harmala*;
Camelthorn — *Alhagi pseudalhagi*;
Coltsfoot — *Tussilago farfara*;
Cordgrass:
Common — *Spartina anglica*;
Dense-flowered — *Spartina densiflora*;
Saltmeadow — *Spartina patens*;
Smooth — *Spartina alterniflora*;
European water chestnut — *Trapa natans*;
Flowering rush — *Butomus umbellatus*;
Giant hogweed — *Heracleum mantegazzianum*;
Goatgrass:
Barb — *Aegilops triuncialis*;
Ovate — *Aegilops ovata*;
Goatsrue — *Galega officinalis*;
Hawkweed:
King-devil — *Hieracium piloselloides*;

Mouse-ear — *Hieracium pilosella*;
Orange — *Hieracium aurantiacum*;
Yellow — *Hieracium floribundum*;
Hydrilla — *Hydrilla verticillata*;
Japanese dodder — *Cuscuta japonica*;
Kudzu — *Pueraria lobata*;
Matgrass — *Nardus stricta*;
Oblong spurge — *Euphorbia oblongata*;
Paterson's curse — *Echium plantagineum*;
Purple nutsedge — *Cyperus rotundus*;
Silverleaf nightshade — *Solanum elaeagnifolium*;
Squarrose knapweed — *Centaurea virgata*;
Starthistle:
Iberian — *Centaurea iberica*;
Purple — *Centaurea calcitrapa*;
Syrian bean-caper — *Zygophyllum fabago*;
Thistle:
Plumeless — *Carduus acanthoides*;
Smooth distaff — *Carthamus baeticus*;
Taurian — *Onopordum tauricum*;
Woolly distaff — *Carthamus lanatus*;
White bryonia — *Bryonia alba*;
Yellow floating heart — *Nymphoides peltata*;
Yellowtuft — *Alyssum murale*, *A. corsicum*;

(5) "B" Weeds:

(a) "B" designated weeds means weeds of economic importance which are regionally abundant, but which may not occur or have limited distribution in some counties. "B" weeds shall be managed on a priority basis as resources allow. Control of "B" weeds may vary according to ODA-established priorities as well as site-specific or case-by-case factors. When available, biological control may be the primary long-term control strategy.

(b) The goal of "B" weed management is control and prevention of new infestations of "B" weeds in Oregon. ODA may advise persons owning or controlling lands upon which "B" weeds are detected on the control of "B" weeds on those lands as well as how to prevent "B" weeds from infesting new lands. As determined by ODA or a county, "B" weeds may be controlled or eradicated in the same manner as "A" weeds when "B" weeds appear in parts of the state where they were not previously detected or established.

(c) Pursuant to ODA's determination as to treatment of "B" weeds, ODA may develop a regional control plan or cooperate with a county, local entity, or persons owning or controlling private lands to develop and implement a plan to control "B" weeds. ODA may assist with implementing control measures.

(d) Persons owning or controlling lands where "B" weeds are detected may request assistance from their respective local County Weed Inspector.

(e) Cost-share assistance grants may be available for the control of State listed noxious weeds to any person owning or occupying land upon which "A" or "B" weeds are detected. If within a county weed control district or special weed control district the county may provide assistance by applying for cost-share assistance grants. Information on cost-share assistance grants may be found at ODA's Plant Division website.

(f) As determined by ODA, biological control agents may be available for some "B" weeds. Information on the current availability of biological control agents is provided on ODA's Plant Division website. Releases of some biological control agents targeting noxious weeds may require reporting to ODA for tracking purposes.

(g) The following is a list of "B" weeds:

Armenian (Himalayan) blackberry — *Rubus armeniacus* (R. procerus, R. discolor);
Biddy-biddy — *Acaena novae-zelandiae*;
Broom:
French — *Genista monspessulana*;
Portuguese — *Cytisus striatus*;
Scotch — *Cytisus scoparius*;
Spanish — *Spartium junceum*;
Buffalobur — *Solanum rostratum*;
Butterfly bush — *Buddleja davidii* (B. variabilis) *) (*Plants being sold in Oregon that are labeled "Butterfly Bush" are assumed to be B. davidii and will be subject to a stop sale order. ODA approved sterile varieties of *Buddleja* that produce less than 2% viable seed and inter-specific hybrids that are not regulated, and may be propagated and sold if labeled with the approved variety name. Information concerning process, criteria and approved seedless varieties is available online at: <<http://oregon.gov/ODA/PLANT/NURSERY/>>.);
Common bugloss — *Anchusa officinalis*;
Common crupina — *Crupina vulgaris*;
Common reed — *Phragmites australis*;
Creeping yellow cress — *Rorippa sylvestris*;
Cutleaf teasel — *Dipsacus laciniatus*;
Dodder — *Cuscuta* spp.;
Dyers woad — *Isatis tinctoria*;
English ivy — *Hedera helix* (H. hibernica);
Eurasian watermilfoil — *Myriophyllum spicatum*;
False brome — *Brachypodium sylvaticum*;
Field bindweed — *Convolvulus arvensis*;
Garlic mustard — *Alliaria petiolata*;

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Geranium:
Herb Robert — *Geranium robertianum*;
Shiny leaf geranium — *Geranium lucidum*;
Gorse — *Ulex europaeus*;
Halogeton — *Halogeton glomeratus*;
Houndstongue — *Cynoglossum officinale*;
Indigo bush — *Amorpha fruticosa*;
Johnsongrass — *Sorghum halepense*;
Jointed goatgrass — *Aegilops cylindrica*;
Jubata grass — *Cortaderia jubata*;
Knapweeds:
Diffuse — *Centaurea diffusa*;
Meadow — *Centaurea pratensis*;
Russian — *Acroptilon repens*;
Spotted — *Centaurea stoebe* (*C. maculosa*);
Knotweeds:
Giant — *Fallopia sachalinensis* (*Polygonum*);
Himalayan — *Polygonum polystachyum*;
Japanese — *Fallopia japonica* (*Polygonum*);
Kochia — *Kochia scoparia*;
Lesser celandine — *Ranunculus ficaria*;
Meadow hawkweed — *Hieracium caespitosum*;
Mediterranean sage — *Salvia aethiopsis*;
Medusahead rye — *Taeniatherum caput-medusae*;
Old man's beard — *Clematis vitalba*;
Parrot's feather — *Myriophyllum aquaticum*;
Perennial peavine — *Lathyrus latifolius*;
Perennial pepperweed — *Lepidium latifolium*;
Poison hemlock — *Conium maculatum*;
Policeman's helmet — *Impatiens glandulifera*;
Puncturevine — *Tribulus terrestris*;
Purple loosestrife — *Lythrum salicaria*;
Ragweed — *Ambrosia artemisiifolia*;
Rush skeletonweed — *Chondrilla juncea*;
Saltcedar — *Tamarix ramosissima*;
Small broomrape — *Orabanche minor*;
South American waterweed — *Egeria densa* (*Elodea*);
Spanish heath — *Erica lusitanica*;
Spikeweed — *Hemizonia pungens*;
Spiny cocklebur — *Xanthium spinosum*;
Spurge laurel — *Daphne laureola*;
Spurge:
Leafy — *Euphorbia esula*;
Myrtle — *Euphorbia myrsinites*;
Sulfur cinquefoil — *Potentilla recta*;
Swainsonpea — *Sphaerophysa salsula*;
Tansy ragwort — *Senecio jacobaea*;
Thistles:
Bull — *Cirsium vulgare*;
Canada — *Cirsium arvense*;
Italian — *Carduus pycnocephalus*;
Musk — *Carduus nutans*;
Scotch — *Onopordum acanthium*;
Slender-flowered — *Carduus tenuiflorus*;
Toadflax:
Dalmatian — *Linaria dalmatica*;
Yellow — *Linaria vulgaris*;
Tree of heaven — *Ailanthus altissima*;
Velvetleaf — *Abutilon theophrasti*;
Water primrose — *Ludwigia peploides*, *L. hexapetala*, *L. grandiflora* ssp.;
Whitetop:
Hairy — *Lepidium pubescens*;
Lens-podded — *Lepidium chalapensis*;
Whitetop (hoary cress) — *Lepidium draba*;
Yellow archangel — *Lamium galeobdolon*;
Yellow flag iris — *Iris pseudacorus*;
Yellow nutsedge — *Cyperus esculentus*;
Yellow starthistle — *Centaurea solstitialis*;

(6) Exemptions:

(a) Agricultural seed as defined in Oregon's Seed Law, ORS 633.511 to 633.750, is exempt from this quarantine but subject to the noxious weed seed tolerances in OAR 603-056-0205.

(b) Other commodities, such as, but not limited to, wheat are exempt from this quarantine to the extent that they are contaminated with noxious weed seed.

(7) Prohibited and Permitted Acts

(a) All plants covered in section (3) of this rule are prohibited entry into the State of Oregon.

(b) All plants listed in section (3) of this rule are prohibited from transport, purchase, sale or offering for sale in the State of Oregon.

(c) All plants listed in section (3) of this rule are prohibited from being propagated in the State of Oregon.

(d) All plants listed in section (3) may be collected from the wild in areas that are already infested with the specific species that is collected, provided that the plants, plant parts, or seed are not used for propagation or sale within the State of Oregon.

(8) Disposition of Plants in Violation of the Quarantine. All covered plants listed in section (3) of this rule are found to be in violation of this quarantine shall be returned immediately to point of origin by the Oregon receiver, if from out of state, or at the owner's option be destroyed under the supervision of ODA, without expense to or indemnity paid by ODA.

(9) Exceptions. The director may issue a permit allowing entry into this state, propagation, or research on plants covered by this rule, upon request, and upon investigation and finding that unusual circumstances exist justifying such action, and that the benefits of granting the permit outweigh the potential harm that may result from the requested action. The director may impose specific conditions on any permit issued hereunder, and the permit may be canceled for failure to meet the conditions therein. Any permit issued under this section shall be for a limited duration not to exceed one year.

Stat. Auth.: ORS 561.190, 561.510 & 569

Stats. Implemented: ORS 561.510

Hist.: DOA 5-1999, f. & cert. ef. 4-5-99; DOA 13-2000, f. & cert. ef. 5-8-00; DOA 7-2002, f. & cert. ef. 2-1-02; DOA 26-2002, f. & cert. ef. 12-10-02; DOA 27-2004, f. & cert. ef. 12-28-04; DOA 1-2006, f. & cert. ef. 1-13-06; DOA 2-2007, f. & cert. ef. 1-30-07; DOA 11-2008, f. & cert. ef. 3-7-08; DOA 6-2010, f. & cert. ef. 2-4-10; DOA 17-2011, f. & cert. ef. 9-29-11; DOA 3-2013, f. & cert. ef. 3-1-13; DOA 3-2014, f. & cert. ef. 2-20-14

603-052-1211

Control Area

(1) As authorized by ORS 570.405, a statewide control area is established to reduce the risk of uncontrolled spread of giant reed into the environment in order to protect the horticultural, agricultural or forest industries of the state.

(2) Extent of Control Area: All of the State of Oregon.

(3) Commodities Covered: All life stages of giant reed, *Arundo donax*.

(4) Prohibited Acts:

(a) Giant reed is prohibited from being imported, planted, propagated, or grown except as allowed in this rule in sections (5) through (7) below.

(b) Giant reed shall not be planted, grown, or stored in riparian areas, wetlands, or special flood hazard areas (100-year flood plains) or in a 100 ft. buffer beyond the edge of riparian areas, wetlands, or flood hazard areas.

(5) Permit Requirements:

(a) Except as specified in OAR 603-053-1211(7)(b), giant reed shall not be planted or grown in Oregon without a permit from the Oregon Department of Agriculture (ODA).

(b) Applications for permit must be in writing to ODA and include specific locations, detailed maps of the field locations, and any water bodies in the vicinity of all proposed field locations. Applications for a permit to produce giant reed must be sent to: Plant Program Area Director, Oregon Department of Agriculture, 635 Capitol St. NE, Salem, OR 97304 or emailed to: <dhillburn@oda.state.or.us>.

(c) ODA will review the application upon its receipt and share the application information with noxious weed control officials in the county(ies) where production of giant reed is grown or proposed to be grown.

(d) ODA may deny an application or may issue a permit with any conditions as may be necessary to prevent the uncontrolled spread of giant reed or as necessary to protect the horticultural, agricultural or forest industries of the state. Conditions that ODA may require include, but are not limited to, conditions requiring notification to ODA of the dates when giant reed fields are planted and are taken out of production, annual updates on field locations, or any other precautions related to site-specific risk factors presented by a proposed growing location.

(e) Permit holders will be assessed an annual fee of \$2.00 per acre payable to ODA before planting and every twelve months thereafter, to cover the cost of monitoring fields where giant reed is produced and the cost of surveys for feral giant reed in the environment. Monitoring and surveys are necessary to ensure that giant reed has not escaped outside of contracted production areas and is necessary for enforcing the terms of the control area established in this rule.

(f) Any equipment used in giant reed production fields must be cleaned free of soil and plant debris prior to leaving production fields.

(g) Planting stock collected from the wild outside of Oregon must be washed free of soil and must be accompanied by a phytosanitary certificate indicating that the stock has been inspected and found free of soil and harmful pests, diseases, and weeds.

(h) In vitro and container-grown giant reed planting stock imported for biofuel production must meet plant health requirements for nursery stock entering Oregon from the state of origin.

(i) In-state producers of biofuel planting stock are subject to the same requirements as biofuel producers if plants are field grown. In vitro and containerized production of biofuel planting stock in Oregon does not require a bond or a permit, but containerized giant reed planting stock shall not be planted, grown, or stored in riparian areas, wetlands, or special flood hazard areas (100-year flood plains) or in a 100 ft. buffer beyond the edge of riparian areas, wetlands, or flood hazard areas.

ADMINISTRATIVE RULES

(j) Green giant reed must not be transported outside the fields where it is grown unless it is in a covered container or the load is tarped. Harvested giant reed that is conditioned (crushing, chipping, chopping, or shredding) and dried in the field need not be transported in closed containers and such loads need not be tarped (e.g. bales of giant reed).

(6) Bond; Conditions for Ceasing Production of Giant Reed:

(a) Contractors (or growers if there is no contractor) for the production of giant reed for other than ornamental or woodwind reed purposes (see (7) below) must supply a bond or another form of acceptable collateral furnished by a surety company authorized to do business in Oregon in favor of the State of Oregon through its Department of Agriculture. The amount of the bond/collateral will be \$100/acre up to a maximum of \$1,000,000. The permit will not be issued until the Department has received the bond/collateral. The purpose of the bond is to cover any and all costs associated with the detection and eradication of giant reed inside or outside of production fields if the Department determines feral giant reed must be eradicated in order to protect the agricultural, horticultural or forest resources of the State. The bond/collateral must be in place for the duration of permitted production and remain effective for 3 years after production ceases.

(b) The holder of a permit for the production of giant reed that ceases production of giant reed must completely eradicate giant reed in a manner that prevents former giant reed production fields from becoming a source of propagules that could lead to accidental spread of giant reed in the wild.

(c) Any holder of a permit issued by ODA must monitor any and all areas upon which giant reed was produced under permit for at least three years after production ceases to ensure that all giant reed plants are killed and any source of propagules are eradicated. ODA may require additional monitoring time as it determines is necessary to assure complete eradication of giant reed from areas under contract for production.

(d) Any and all costs associated with eradication of giant reed in production fields and adjacent property owned or controlled by the producer after production has ceased is the responsibility of the permit holder.

(e) Oregon State University Research and Extension Centers are exempt from sections (5)(a) and (6)(a) of this rule for the purpose of allowing research related to giant reed production and control.

(7) Conditions for Ornamental and Woodwind Reed Plantings: Giant reed has been used as an ornamental plant in Oregon for many years. It is also grown as a source for woodwind reeds. Ornamental or woodwind reed plantings could result in feral populations. In order to lower the risk of ornamental or woodwind reed plants becoming feral, giant reed is being phased out of the nursery trade. Variegated varieties such as "Peppermint Stick," "Variegata," and "Golden Chain," may continue to be grown and sold in Oregon unless ODA and State Weed Board list giant reed as a noxious weed.

(a) After December 31, 2013, only variegated varieties of giant reed may be sold in Oregon for ornamental or woodwind reed purposes.

(b) A permit is not required for ornamental or woodwind reed plantings of variegated varieties of giant reed totaling less than 1/4 acre.

(c) Ornamental and woodwind reed plantings of giant reed existing before these rules were adopted will not be considered feral unless they are in Special Flood Hazard Areas or the ODA determines such populations are becoming invasive. Any plantings of giant reed or variegated varieties of giant reed over 1/4 acres are subject to the permitting requirements in OAR 603-052-1211(5).

(d) If the ODA and the State Weed Board determine giant reed is a noxious weed, all ornamental uses of giant reed shall terminate and all production will require a permit.

(8) Eradication and Control of Giant Reed:

(a) Except as stated in (7) above, ODA considers giant reed plants detected outside of contracted production fields as feral plants, which shall be eradicated or controlled.

(b) Any person owning or occupying property upon which feral giant reed is detected must contact the ODA within 48 hours of detection.

(c) Upon detection of feral giant reed, ODA may develop a survey, eradication, and monitoring plan to control or eradicate detected feral giant reed. Consistent with its authorities, ODA may develop and conduct appropriate measures to control or eradicate feral giant reed, may enter into a contract for the purpose of controlling or eradicating feral giant reed, or take any measures necessary to control or eradicate feral giant reed consistent with law.

(d) Control or eradication of feral giant reed may be implemented at no cost to a person owning or controlling land within this state upon which feral giant reed is detected. However, ODA may request any person own-

ing or controlling land within this state to control, prevent the spread of, or eradicate feral giant reed, subject to supervision of such activities by ODA.

(e) If ODA is unable to control or eradicate feral giant reed on private property, then consistent with the provision of ORS 570.405(2), any person owning or controlling land within this state must take measures to eliminate or prevent the possibility of spread of feral giant reed to other lands and ownerships. Control measures for feral giant reed must be implemented in a timely manner as determined by ODA. Treatments must provide sufficient levels of control to make progress toward the goal of eradication.

(9) Review:

(a) ODA will conduct a thorough review of these rules after PGE's test burn (now scheduled for 2014) and before large acreages of giant reed are planted. The best available science, experience with test plots, survey results, and plans for expansion of giant reed production will be taken into consideration when determining whether these rules should be amended.

(b) Before December 31, 2022, the Department will conduct a thorough review of the effectiveness and necessity for this rule. If by that date giant reed has not been declared a noxious weed by ODA and the State Weed Board, the bond/collateral requirement (6)(a) sunsets unless specifically extended via amendment to this rule.

Stat. Auth.: ORS 570.405

Stats. Implemented: ORS 570.405

Hist.: DOA 29-2012, f. & cert. ef. 12-12-12; DOA 3-2014, f. & cert. ef. 2-20-14

Rule Caption: Adopts National Shellfish Sanitation Program: Guide for the Control of Molluscan Shellfish, 2011 Revision.

Adm. Order No.: DOA 4-2014

Filed with Sec. of State: 2-24-2014

Certified to be Effective: 2-24-14

Notice Publication Date: 1-1-2014

Rules Amended: 603-100-0010

Subject: The National Shellfish Sanitation Program (NSSP) is the federal/state cooperative program recognized by the U.S. Food and Drug Administration (FDA) and the Interstate Shellfish Sanitation Conference (ISSC) for the sanitary control of shellfish produced and sold for human consumption. The NSSP promotes and improves the sanitation of shellfish (oysters, clams, mussels and scallops) moving in interstate commerce through federal/state cooperation and uniformity of State shellfish programs. As an NSSP participant, the Oregon Department of Agriculture (ODA) works with other States, FDA, the Environmental Protection Agency (EPA), the National Oceanic and Atmospheric Association (NOAA), and the shellfish industry to provide guidance and counsel on matters for the sanitary control of shellfish.

The ISSC provides a formal structure for ODA to participate in establishing regulatory guidelines and procedures for uniform state application of the Program. After FDA concurs with the NSSP Model Ordinance proposed by ISSC, the guidelines are published in current revisions of the NSSP Model Ordinance. The Model Ordinance includes guidelines to ensure that the shellfish produced in Oregon are in compliance with sanitary measures, and are safe for human consumption. The most current revision is titled National Shellfish Sanitation Program: Guide for the Control of Molluscan Shellfish, 2011 Revision. ODA intends to adopt the Guide for the Control of Molluscan Shellfish, 2011 Revision, which will become effective upon filing a permanent administrative rule certificate.

Rules Coordinator: Sue Gooch—(503) 986-4583

603-100-0010

Sanitation of Shellfish Growing Areas and Harvesting, Processing and Distribution of Shellfish

As provided in ORS 622.180, the National Shellfish Sanitation Program, Guide for the Control of Molluscan Shellfish, 2009 Revision, is hereby adopted as the rules governing this subject matter in Oregon. The material covered is that governing growing area survey and classification, controlled relaying, patrol of harvest areas, control of harvesting, aquaculture, laboratory and administrative procedures. In addition the rules cover the harvesting, handling and shipping of shellfish; wet storage; shucking and packing shellfish; shellfish shipping, heat shock, depuration and application of Hazardous Analysis Critical Control Point (HACCP). These rules are recommended by the Interstate Shellfish Sanitation Conference and the Food and Drug Administration of Health and Human Services.

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

ADMINISTRATIVE RULES

Stat. Auth.: ORS 561.190 & 622.180
Stats. Implemented: ORS 622.180
Hist.: HD 24-1987, f. & ef. 11-30-87; AD 22-1993, f. & cert. ef. 12-15-93; Renumbered from 333-191-0000; DOA 11-1999, f. & cert. ef. 6-4-99; DOA 1-2007, f. & cert. ef. 1-2-07; DOA 13-2012, f. 5-29-12, cert. ef. 1-1-13; DOA 4-2014, f. & cert. ef. 2-24-14

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

Rule Caption: Amend General Education Development (GED) Policies and fees to reflect the new GED test series

Adm. Order No.: DCCWD 1-2014(Temp)

Filed with Sec. of State: 3-14-2014

Certified to be Effective: 3-14-14 thru 9-10-14

Notice Publication Date:

Rules Amended: 589-007-0400, 589-007-0500

Subject: The current rules, 589-007-0400 and 589-007-0500 are written to support the 2002 GED test series which no longer exists. Therefore, 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 a 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 the current rule will support the new GED test series and the new fee structure.

Rules Coordinator: Linda Hutchins—(503) 947-2456

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; and
- (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 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 GED Testing Service of the American Council on Education.

(5) The annual contract between local testing centers, the Department of Community Colleges and Workforce Development and the GED Testing Service 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 GED Testing Service 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 (7)(b)(A)(i), (ii) or (iii) of this rule.

(7) The GED Chief Examiner shall ensure that the applicant is advised of:

- (a) Locally available practice testing and preparation opportunities;
- (b) Policies, including limitations on retesting procedures;
- (c) A three-year limit to complete the GED Tests before retesting and repayment of fees are enacted;
- (d) 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 GED Testing Service and the State Board.

(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 GED Testing Service.

(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.

(13) Upon the recommendation of the Commission of Accreditation of Service Experience 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 done 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 (7)(b)(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

589-007-0500

State GED Fees

(1) The State Board 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.

ADMINISTRATIVE RULES

(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.: IEB 130, f. 5-5-72, ef. 10-15-72; IEB 258, f. 1-31-77, ef. 2-1-77; IEB 6-1984(Temp), f. & ef. 3-7-84; IEB 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

Rule Caption: Amend existing rule and eliminate the adverse impact process for new publicly funded postsecondary programs

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

Filed with Sec. of State: 3-14-2014

Certified to be Effective: 3-14-14 thru 9-10-14

Notice Publication Date:

Rules Amended: 589-006-0050, 589-006-0100, 589-006-0150, 589-006-0200, 589-006-0300, 589-006-0350, 589-006-0400

Subject: HB 3079 and HB 3341 eliminate the adverse impact process for new publicly funded postsecondary programs and locations. The rule amendments help community colleges develop and deliver new programs without having to go through a time consuming and rigorous process. Changes to the Community College Course Approval section will impact OAR 589-006-0050, and OAR 589-006-0150. Housekeeping to correct grammar, punctuation and apply plain language to the following sections of the OARs: 589-006-0050, 589-006-0150, 589-006-0300 and 589-006-0350.

Rules Coordinator: Linda Hutchins — (503) 947-2456

589-006-0050

Definitions

For the purposes of division 006 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 employers 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 State Board 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 State Board 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 the local and State Boards of Education.

(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.

ADMINISTRATIVE RULES

(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) "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.

(26) "Intersegmental" means across segments of education. See "Segment of Education."

(27) "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.

(28) "Lecture" means an instructional setting in which the instructor delivers information.

(29) "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.

(30) "Local community college program approval" means the approval by the local community college board of education or their designee indicating that a program has met or exceeded local community college program standards and processes prior to being submitted to the State Board of Education or their designee for review.

(31) "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.

(32) "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.

(33) "New program" means any program not previously approved by the State Board of Education, Office of Degree Authorization of the Oregon Student Access Commission or by their predecessor review authorities, regardless of whether it comprises new instructional components or the reassembled components of existing programs.

(34) "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.

(35) "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.

(36) "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.

(37) "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.

(38) "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.

(39) "Program amendment" means a change in a state-approved program submitted to the State Board of Education or their designee by a college to receive approval to revise the program. Revisions include minor changes in curriculum content, courses, program outcomes and titles.

(40) "Program approval" means the process by which the local community college board and the State Board of Education acknowledge that a program has met the applicable program standards and requirements of the local and state boards or their designees. Program approval also includes the authorization of the program by the Office of Degree Authorization of the Oregon Student Access Commission.

(41) "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.

(42) "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.

(43) "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.

(44) "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.

(45) "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 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 & 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 of the Oregon Student Access Commission, 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.

(46) "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.

(47) "State Board" means the State Board of Education.

(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.

(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 State Board and has received authorization by the Office of Degree Authorization of the Oregon Student Access Commission.

(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

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589-006-0100

General Community College Program Approval Requirements

(1) The State Board has responsibility for approval of community college educational programs and locations.

(2) The State Board shall provide community college district boards of education with the standards, criteria and procedures the State Board 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 State Board shall ensure that new community college educational programs have been authorized by the Office of Degree Authorization of the Oregon Student Access Commission 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 State Board 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 State Board, 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 State Board program approval standards and criteria.

(8) Meet the approval standards by the State Board, 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 State Board 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 State Board.

(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

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 State Board and authorized by the Office of Degree Authorization of the Oregon Student Access Commission.

(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 State Board.

(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 State Board, 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 State Board and the Office of Degree Authorization of the Oregon Student Access Commission 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

589-006-0200

Approval of Lower Division Collegiate Programs and Courses

(1) Under the authority of ORS 341.425, the State Board 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 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

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 State Board delegates to the Department the authority to approve Career Technical Education courses.

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(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 State Board or their 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) State Board standards for approval of occupational preparatory courses are included in the *Career Technical Education Course Approval Procedure* and include but are not be 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) State Board standards for approval of occupational supplementary courses are included in the *Career Technical Education Course Approval Procedure* and include but are not be 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 State Board or their 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 State Board 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) State Board 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 be 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

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 State Board will continue to be in effect until the program is amended, suspended or deleted from the college's program offerings. The State Board or their designee may disqualify an approved Career Technical Education program if it no longer meets State Board program approval standards and criteria.

(2) Once a program has been approved by the State Board, course additions, deletions, or changes within these programs must be approved by the State Board or their 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 pro-

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grams. After three years suspended programs will require re-approval utilizing the *Certificate of Completion and Associate Degree Approval Procedure* identified by the department.

[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

589-006-0400

Approval of Other Education Courses

(1) Under the authority of ORS 341.425, the State Board 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

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

Rule Caption: Clarifies application process for the provisional general journeyman electrical license category.

Adm. Order No.: BCD 3-2014(Temp)

Filed with Sec. of State: 2-21-2014

Certified to be Effective: 2-21-14 thru 7-31-14

Notice Publication Date:

Rules Adopted: 918-282-0455

Rules Suspended: 918-282-0455(T)

Subject: This temporary rule clarifies a previous rule filing that created a provisional licensure category to recognize the qualifications of the State of Washington's general journey level electricians. Rule clarifies that applicants in provisional licensure category must provide proof of passage of the applicable electrical examination from the State of Washington.

Rules Coordinator: Holly A. Tucker—(503) 378-5331

918-282-0455

Application Process

For the purposes of this rule:

(1) Applicants for a provisional electrical license must apply on a division-approved form.

(2) The application must include:

(a) Applicant name and home address;

(b) Appropriate application fees; and

(c) Verification of training, examination, work experience and other required documentation.

(3) Verification referenced in subsection (2)(c) above includes:

(a) Submitting proof of qualifying criteria as required by the appropriate rules and in the manner established by this rule.

(b) Submitting training, examination and experience verification as follows:

(A) Copy of valid general journey level electrician certification issued by the State of Washington Department of Labor and Industries. The certificate must be current and in good standing with no history of violations; and

(B) Proof of passing the Washington Department of Labor and Industries' electrician examination; and

(C) Copy of certificate of completion from a registered State of Washington apprenticeship program or program approved by the Oregon Electrical and Elevator Board; or

(D) Copy of master electrician's certificate issued by the State of Washington Department of Labor and Industries. The certificate must be current and in good standing with no history of violations; and

(E) Proof of passing the Washington Department of Labor and Industries' master electrician examination; and

(F) Copy of certificate of completion from a registered State of Washington apprenticeship program or program approved by the Oregon Electrical and Elevator Board.

Stat. Auth.: ORS 455.117 & 479.730

Stat. Implemented: ORS 455.117 & 479.730

Hist.: BCD 2-2014(Temp), f. & cert. ef. 2-12-14 thru 7-31-14; BCD 3-2014(Temp), f. & cert. ef. 2-21-14 thru 7-31-14

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

Rule Caption: Amendment of rule governing agency representation at certain types of hearings

Adm. Order No.: WCD 2-2014

Filed with Sec. of State: 3-10-2014

Certified to be Effective: 3-28-14

Notice Publication Date: 2-1-2014

Rules Amended: 436-001-0030

Subject: These amended rules clarify the authority and limitations applicable to agency representatives at certain types of hearings.

Rules Coordinator: Fred Bruyns—(503) 947-7717

436-001-0030

Role of the Workers' Compensation Division

(1) In any hearing, the director may request to:

(a) Receive notice of all matters;

(b) Receive copies of all documents; and

(c) Present evidence, testimony, and argument.

(2) The director may appear in a matter by filing an entry of appearance. The director may be represented by an agency representative, assistant attorney general, or special assistant attorney general as authorized by the Department of Justice. If the director enters an appearance, all notices and documents in the hearing must be provided to the director's representative. An agency representative may represent the director in the following categories of hearings:

(a) Hearings held before the Administrative Law Judges of the Workers' Compensation Board to determine the correctness of:

(A) An order under ORS 656.052 declaring a person, as defined in ORS 656.005(23), to be a noncomplying employer ("NCE Orders");

(B) A nonsubjectivity determination under ORS 656.052 declaring either that a person, as defined in ORS 656.005(23), is not a subject employer or is not a subject worker ("NSD Orders");

(C) An order assessing a civil penalty under ORS 656.735, 656.740, 656.745(2), or 656.750;

(D) An order under ORS 656.745(1) assessing a civil penalty against an employer or insurer with prior written consent of the Attorney-in-Charge of the Business Activities Section of the Department of Justice; and

(E) An order under ORS 656.254(2) imposing sanctions to enforce medical reporting requirements.

(b) In cases assigned to lay representatives in accordance with subsection (a), above:

(A) Lay representatives are authorized to handle all settlement negotiations related to proposed NCE Orders, NSD Orders, and civil penalty or forfeiture orders. All settlement documents will be reviewed for legal sufficiency by DOJ unless they conform to a form settlement document approved by the Attorney-in-Charge of the Business Activities Section. All settlement documents submitted to DOJ will be accompanied by the original proposed order and any subsequent orders issued by WCD.

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(B) If WCD issues a worker nonsubjectivity denial (WNSD) instead of referring the claim to the assigned claims agent, WCD's lay representative(s) may handle settlement negotiations resulting from that WNSD. Once a request for hearing has been filed contesting that WNSD, the lay representative(s) have seven calendar days within which to finalize any pending settlement negotiations and must coordinate settlement discussions with the assigned assistant attorney general or special assistant attorney general, who will assume representation on the case. The assistant attorney general or special assistant attorney general assigned to the case may extend the seven-day time period by authorizing the lay representative(s) to continue settlement negotiations. All settlement documents will be reviewed for legal sufficiency by the attorney assigned to the case before submission to an Administrative Law Judge.

(c) Notwithstanding subsections (a) or (b) above, and under ORS 656.704, DOJ will represent WCD in all matters pertaining to a claim.

(3) The administrative law judge shall not allow an agency representative appearing under section (2) of this rule to present legal argument as defined by this rule.

(a) "Legal Argument" includes arguments on:

(A) The jurisdiction of the agency to hear the contested case;

(B) The constitutionality of a statute or rule or the application of a constitutional requirement to an agency; and

(C) The application of court precedent to the facts of the particular contested case proceeding.

(b) "Legal Argument" does not include presentation of motions, evidence, examination and cross-examination of witnesses, or presentation of factual arguments or arguments on:

(A) The application of the statutes or rules to the facts in the contested case;

(B) Comparison of prior actions of the agency in handling similar situations;

(C) The literal meaning of the statutes or rules directly applicable to the issues in the contested case;

(D) The admissibility of evidence; and

(E) The correctness of procedures being followed in the contested case hearing.

(4) If the administrative law judge determines that statements or objections made by an agency representative appearing under section (2) involve legal argument as defined in this rule, the administrative law judge shall provide reasonable opportunity for the agency representative to consult the Attorney General and permit the Attorney General to present argument at the hearing or to file written legal argument within a reasonable time after conclusion of the hearing.

(5) An agency representative appearing under section (2) must read and be familiar with the Code of Conduct for Non-Attorney Representatives at Administrative Hearings dated June 1, 2011, as amended October 1, 2011, which is maintained by the Oregon Department of Justice and available on its website at <http://www.doj.state.or.us>.

Stat. Auth.: ORS 183.452, 656.704, 656.726(4)

Stats. Implemented: ORS 180.220(2), 180.235, 183.452, 656.704

Hist.: WCD 9-1992, f. & cert. ef. 5-22-92; WCD 6-1995(Temp), f. & cert. ef. 7-14-95;

Suspended by WCD 17-1995(Temp), f. & cert. ef. 11-2-95; WCD 7-1996, f. & cert. ef. 2-12-

96; WCD 8-1998, f. 8-10-98, cert. ef. 9-15-98; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD

7-2005, f. 10-20-05, cert. ef. 1-2-06; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 2-2014,

f. 3-10-14, cert. ef. 3-28-14

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Rule Caption: Amendment of rules governing workers' compensation medical billing and medical services

Adm. Order No.: WCD 3-2014

Filed with Sec. of State: 3-12-2014

Certified to be Effective: 4-1-14

Notice Publication Date: 2-1-2014

Rules Adopted: 436-009-0023

Rules Amended: 436-009-0001, 436-009-0004, 436-009-0005, 436-009-0008, 436-009-0010, 436-009-0018, 436-009-0020, 436-009-0025, 436-009-0030, 436-009-0035, 436-009-0040, 436-009-0060, 436-009-0080, 436-009-0090, 436-009-0110, 436-009-0998, 436-010-0005, 436-010-0230, 436-010-0240, 436-010-0270, 436-010-0280, 436-010-0290, 436-010-0330

Rules Repealed: 436-009-0002, 436-009-0003, 436-009-0006, 436-009-0015, 436-009-0050, 436-009-0070, 436-009-0095, 436-009-0114, 436-009-0115, 436-009-0120, 436-009-0125, 436-009-0130, 436-009-0135, 436-009-0140, 436-009-0145, 436-009-0155, 436-009-0160, 436-009-0165, 436-009-0170, 436-009-0175, 436-009-0177, 436-009-0180, 436-009-0185, 436-009-0200, 436-009-0205,

436-009-0206, 436-009-0207, 436-009-0210, 436-009-0215, 436-009-0220, 436-009-0225, 436-009-0230, 436-009-0235, 436-009-0240, 436-009-0245, 436-009-0255, 436-009-0260, 436-009-0265, 436-009-0270, 436-009-0275, 436-009-0285, 436-009-0290

Subject: The agency has amended OAR 436-009, "Oregon Medical Fee and Payment Rules," to:

Substantially revise and reorganize division 009, including deleting obsolete and otherwise unnecessary wording, and duplicating provisions found in other parts of OAR chapter 436, to make the rules more comprehensive and to facilitate consistent understanding;

Adopt updated medical fee schedules (Appendices B, C, D, and E) and resources for the payment of medical providers;

Adopt the National Council for Prescription Drug Programs (NCPDP) universal claim form for workers' compensation/property casualty and the implementation guide;

Amend dispute resolution standards to be more consistent with OAR 436-010 (rules governing medical services);

Explain time frames when medical providers must switch from ICD-9-CM to ICD-10-CM codes to describe a worker's medical condition;

Remove the requirement that any service not identifiable with a code must be described by report (because all services billed must be accompanied by a report documenting the services billed);

Require that medical providers use the appropriate modifiers found in CPT® 2014, HCPCS' level II national modifiers, or anesthesia modifiers, when applicable;

Specify billing requirements for modifier 22, involving medical services that require significantly greater effort than typically required, and require greater payment amounts for services codes with added modifier 22;

Provide consistent requirements for payment of "no-show" appointments for arbiter exams, director-required medical exams, independent medical exams, worker-requested medical exams, and closing exams;

Clarify that the medical provider's license number and NPI are not required to be printed on providers' chart notes;

Provide more latitude for the timing of mechanical muscle testing;

Provide that insurers may apply discounts to medical fees for all medical providers, including rural hospitals, other than medical service providers and clinics, if a written or verbal contract exists;

Clarify that the maximum allowable payment for Oregon hospitals that are not listed in Bulletin 290, which lists hospitals' cost-to-charge ratios, is 80 percent of the amount billed;

Require that insurers pay ambulatory surgery centers separately for surgical implants when the cost of components of an implant adds up to \$100 or more;

Describe how a worker may request advance payment for transportation and lodging necessary to attend a medical appointment;

Require that specific, legible information be given to workers to explain reimbursements of their out-of-pocket expenses;

Clarify that the time needed to obtain additional information is not counted in the 14 days allowed to reimburse a workers' out-of-pocket expenses upon acceptance of the workers' compensation claim;

Allow insurers and "medical providers" (not just "medical service providers") to agree to send and receive payment information by email or other electronic means;

Increase the maximum allowable payments for four chiropractic manipulation CPT® codes: 98940, 98941, 98942, and 98943;

Clarify that the payment limitation of three separate CPT®-coded physical medicine and rehabilitation modalities and therapeutic procedures per day applies per provider (and therefore not per worker);

Clarify that prescription medications do not require prior approval even after the worker is medically stationary;

Specify billing requirements and time frames for interpreters to make them consistent with timeframes and processes applicable to other providers.

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Specify that an insurer may not reduce payment due to late billing by an interpreter if the bill is submitted within 12 months of the date of service;

Require insurers to pay interpreters within the same time frames as other medical providers;

Increase the hourly maximum payment rate for American sign language interpreters from \$60 to \$70 per hour (minimum); and

Require payment for interpreter services above one hour in 15-minute increments.

The agency has amended OAR 436-010, "Medical Services," to:

Establish a process for a medical provider to request an insurer's pre-authorization for diagnostic studies, as well as a time frame for the insurer to respond; and

Reconcile conflicting requirements in OAR 436-010 and OAR 436-060 regarding work release notification.

Rules Coordinator: Fred Bruyns—(503) 947-7717

436-009-0001

Administration of These Rules

(1) Any orders issued by the division in carrying out the director's authority to enforce ORS chapter 656 and OAR chapter 436, are considered orders of the director.

(2) Authority for Rules. These rules are promulgated under the director's general rulemaking authority of ORS 656.726(4) and specific authority under ORS 656.248.

(3) Purpose. The purpose of these rules is to establish uniform guidelines for administering the payment for medical benefits to workers within the workers' compensation system.

(4) Applicability of Rules.

(a) These rules apply to all services rendered on or after the effective date of these rules.

(b) The director may waive procedural rules as justice requires, unless otherwise obligated by statute.

Stat. Auth.: ORS 656.726(4)

Stats. Implemented: ORS 656.248

Hist.: WCD 12-1996, f. 5-6-96, cert. ef. 6-1-96; WCD 2-2001, f. 3-8-01, cert. ef. 4-1-01; WCD 3-2014, f. 3-12-14, cert. ef. 4-1-14

436-009-0004

Adoption of Standards

(1) The director adopts, by reference, the American Society of Anesthesiologists ASA, Relative Value Guide 2014 as a supplementary fee schedule for those anesthesia codes not found in Appendix B. To get a copy of the ASA Relative Value Guide 2014, contact the American Society of Anesthesiologists, 520 N. Northwest Highway, Park Ridge, IL 60068-2573, 847-825-5586, or on the Web at: <http://www.asahq.org>.

(2) The director adopts, by reference, the American Medical Association's (AMA) Current Procedural Terminology (CPT® 2014), Fourth Edition Revised, 2013, for billing by medical providers. The definitions, descriptions, and guidelines found in CPT® must be used as guides governing the descriptions of services, except as otherwise provided in these rules. The guidelines are adopted as the basis for determining level of service.

(3) The director adopts, by reference, the AMA's CPT® Assistant, Volume 0, Issue 04 1990 through Volume 23, Issue 12, 2013. If there is a conflict between the CPT® manual and CPT® Assistant, the CPT® manual is the controlling resource.

(4) To get a copy of the CPT® 2014 or the CPT® Assistant, contact the American Medical Association, 515 North State Street, Chicago, IL 60610, 800-621-8335, or on the Web at: <http://www.ama-assn.org>.

(5) The director adopts, by reference, only the alphanumeric codes from the CMS Healthcare Common Procedure Coding System (HCPCS). These codes are to be used when billing for services, but only to identify products, supplies, and services that are not described by CPT® codes or that provide more detail than a CPT® code.

(a) Except as otherwise provided in these rules, the director does not adopt the HCPCS edits, processes, exclusions, color-coding and associated instructions, age and sex edits, notes, status indicators, or other policies of CMS.

(b) To get a copy of the HCPCS, contact the National Technical Information Service, Springfield, VA 22161, 800-621-8335 or on the Web at: www.cms.gov/Medicare/Coding/HCPCSReleaseCodeSets/Alpha-Numeric-HCPCS.html.

(6) The director adopts, by reference, CDT 2014: Dental Procedure Codes, to be used when billing for dental services. To get a copy, contact

the American Dental Association at American Dental Association, 211 East Chicago Ave., Chicago, IL 60611-2678, or on the Web at: www.ada.org.

(7) The director adopts, by reference, the 08/05 and the 02/12 1500 Claim Forms and Version 9.0 7/13 (for the 08/05 form) and Version 1.1 06/13 (for the 02/12 form) 1500 Health Insurance Claim Form Reference Manuals published by the National Uniform Claim Committee (NUCC). To get copies, contact the NUCC, American Medical Association, 515 N. State St., Chicago, IL 60654, or on the Web at: www.nucc.org.

(8) The director adopts, by reference, the Official UB-04 Data Specifications Manual 2014 Edition, published by National Uniform Billing Committee (NUBC). To get a copy, contact the NUBC, American Hospital Association, One North Franklin, 29th Floor, Chicago, IL 60606, 312-422-3390, or on the Web at: www.nubc.org.

(9) The director adopts, by reference, the NCPDP Manual Claim Forms Reference Implementation Guide Version 1.3 and the NCPDP Workers' Compensation/Property & Casualty Universal Claim Form (WC/PC UCF) Version 1.1 – 5/2009. To get a copy, contact the National Council for Prescription Drug Programs (NCPDP), 9240 East Raintree Drive, Scottsdale, AZ 85260-7518, 480-477-1000, or on the Web at: www.ncdp.org.

(10) Specific provisions contained in OAR chapter 436, divisions 009, 010, and 015 control over any conflicting provision in ASA Relative Value Guide 2014, CPT® 2014, CPT® Assistant, HCPCS 2014, CDT 2014, Dental Procedure Codes, 1500 Health Insurance Claim Form Reference Instruction Manual, Official UB-04 Data Specifications Manual, or NCPDP Manual Claim Forms Reference Implementation Guide.

(11) Copies of the standards referenced in this rule are also available for review during regular business hours at the Workers' Compensation Division, Medical Resolution Team, 350 Winter Street NE, Salem OR 97301, 503-947-7606.

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

Stat. Auth.: ORS 656.248 & 656.726(4)

Stats. Implemented: ORS 656.248

Hist.: WCD 9-1999, f. 5-27-99, cert. ef. 7-1-99; WCD 2-2000, f. 3-15-00, cert. ef. 4-1-00; WCD 2-2001, f. 3-8-01, cert. ef. 4-1-01; WCD 3-2002, f. 2-25-02 cert. ef. 4-1-02; WCD 6-2003, f. 5-28-03, cert. ef. 7-1-03; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 2-2005, f. 3-24-05, cert. ef. 4-1-05; WCD 3-2006, f. 3-14-06, cert. ef. 4-1-06; WCD 2-2007, f. 5-23-07, cert. ef. 7-1-07; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 1-2009, f. 5-22-09, cert. ef. 7-1-09; WCD 3-2010, f. 5-28-10, cert. ef. 7-1-10; WCD 1-2011, f. 3-1-11, cert. ef. 4-1-11; WCD 1-2012, f. 2-16-12, cert. ef. 4-1-12; WCD 2-2013, f. 3-11-13, cert. ef. 4-1-13; WCD 7-2013, f. 11-12-13, cert. ef. 1-1-14; WCD 3-2014, f. 3-12-14, cert. ef. 4-1-14

436-009-0005

Definitions

(1) Unless a term is specifically defined elsewhere in these rules or the context otherwise requires, the definitions of ORS chapter 656 are hereby incorporated by reference and made part of these rules.

(2) Abbreviations used in these rules are either defined in the rules in which they are used or defined as follows:

(a) ANSI means the American National Standards Institute.

(b) ASC means ambulatory surgery center.

(c) CMS means Centers for Medicare & Medicaid Services.

(d) CPT® means Current Procedural Terminology published by the American Medical Association.

(e) DME means durable medical equipment.

(f) DMEPOS means durable medical equipment, prosthetics, orthotics, and supplies

(g) EDI means electronic data interchange.

(h) HCPCS means Healthcare Common Procedure Coding System published by CMS.

(i) IAIABC means International Association of Industrial Accident Boards and Commissions.

(j) ICD-9-CM means International Classification of Diseases, Ninth Revision, Clinical Modification, Vol. 1, 2 & 3 by US Department of Health and Human Services.

(k) ICD-10-CM means International Classification of Diseases, Tenth Revision, Clinical Modification.

(l) ICD-10-PCS means International Classification of Diseases, Tenth Revision, Procedure Coding System.

(m) MCO means managed care organization certified by the director.

(n) NPI means national provider identifier.

(o) OSC means Oregon specific code.

(p) PCE means physical capacity evaluation.

(q) WCE means work capacity evaluation.

(3) "Administrative Review" means any decision making process of the director requested by a party aggrieved with an action taken under these rules except the hearing process described in OAR 436-001.

(4) An "ambulatory surgery center" (ASC) means:

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(a) Any distinct entity licensed by the state of Oregon, and operated exclusively for the purpose of providing surgical services to patients not requiring hospitalization; or

(b) Any entity outside of Oregon similarly licensed, or certified by Medicare or a nationally recognized agency as an ASC.

(5) "Attending Physician" has the same meaning as described in ORS 656.005(12)(b). See "Matrix for Health Care Provider types" Appendix F.

(6) "Authorized nurse practitioner" means a nurse practitioner licensed under ORS 678.375 to 678.390 who has certified to the director that the nurse practitioner has reviewed informational materials about the workers' compensation system provided by the director and has been assigned an authorized nurse practitioner number by the director.

(7) "Board" means the Workers' Compensation Board and includes its Hearings Division.

(8) "Chart note" means a notation made in chronological order in a medical record in which the medical service provider records such things as subjective and objective findings, diagnosis, treatment rendered, treatment objectives, and return to work goals and status.

(9) "Clinic" means a group practice in which several medical service providers work cooperatively.

(10) "CMS form 2552" (Hospital and Hospital Health Care Complex Cost Report) means the annual report a hospital makes to Medicare.

(11) "Current Procedural Terminology" or "CPT"® means the Current Procedural Terminology codes and terminology most recently published by the American Medical

Association unless otherwise specified in these rules.

(12) "Days" means calendar days.

(13) "Division" means the Workers' Compensation Division of the Department of Consumer and Business Services.

(14) "Enrolled" means an eligible worker has received notification from the insurer that the worker is being required to receive treatment under the provisions of an MCO. However, a worker may not be enrolled who would otherwise be subject to an MCO contract if the worker's primary residence is more than 100 miles outside the managed care organization's certified geographical service area.

(15) "Fee Discount Agreement" means a direct contract entered into between a medical service provider or clinic and an insurer to discount fees to the medical service provider or clinic under OAR 436-009-0018.

(16) "Hearings Division" means the Hearings Division of the Workers' Compensation Board.

(17) "Hospital" means an institution licensed by the State of Oregon as a hospital.

(a) "Inpatient" means a patient who is admitted to a hospital prior to and extending past midnight for treatment and lodging.

(b) "Outpatient" means a patient not admitted to a hospital prior to and extending past midnight for treatment and lodging. Medical services provided by a health care provider such as emergency room services, observation room, or short stay surgical treatments which do not result in admission are also considered outpatient services.

(18) "Initial Claim" means the first open period on the claim immediately following the original filing of the occupational injury or disease claim until the worker is first declared to be medically stationary by an attending physician or authorized nurse practitioner. For nondisabling claims, the "initial claim" means the first period of medical treatment immediately following the original filing of the occupational injury or disease claim ending when the attending physician or authorized nurse practitioner does not anticipate further improvement or need for medical treatment, or there is an absence of treatment for an extended period.

(19) "Insurer" means the State Accident Insurance Fund Corporation; an insurer authorized under ORS chapter 731 to transact workers' compensation insurance in the state; or, an employer or employer group that has been certified under ORS 656.430 meeting the qualifications of a self-insured employer under ORS 656.407.

(20) "Interim Medical Benefits" means those services provided under ORS 656.247 on initial claims with dates of injury on or after January 1, 2002, that are not denied within 14 days of the employer's notice of the claim.

(21) "Interpreter" means a person who:

(a) Provides oral or sign language translation; and

(b) Owns, operates, or works for a business that receives income for providing oral or sign language translation. It does not include a medical provider, medical provider's employee, or a family member or friend of the patient.

(22) "Interpreter services" means the act of orally translating between a medical provider and a patient who speak different languages, including

sign language. It includes reasonable time spent waiting at the location for the medical provider to examine or treat the patient as well as reasonable time spent on necessary paperwork for the provider's office.

(23) "Mailed or Mailing Date," for the purposes of determining timeliness under these rules, means the date a document is postmarked. Requests submitted by facsimile or "fax" are considered mailed as of the date printed on the banner automatically produced by the transmitting fax machine. Hand-delivered requests will be considered mailed as of the date stamped by the Workers' Compensation Division. Phone or in-person requests, where allowed under these rules, will be considered mailed as of the date of the request.

(24) "Managed Care Organization" or "MCO" means an organization formed to provide medical services and certified in accordance with OAR chapter 436, division 015.

(25) "Medical Provider" means a medical service provider, a hospital, medical clinic, or vendor of medical services.

(26) "Medical Service" means any medical treatment or any medical, surgical, diagnostic, chiropractic, dental, hospital, nursing, ambulances, and other related services, and drugs, medicine, crutches and prosthetic appliances, braces and supports and where necessary, physical restorative services.

(27) "Medical Service Provider" means a person duly licensed to practice one or more of the healing arts.

(28) "Medical Treatment" means the management and care of a patient for the purpose of combating disease, injury, or disorder. Restrictions on activities are not considered treatment unless the primary purpose of the restrictions is to improve the worker's condition through conservative care.

(29) "Parties" mean the worker, insurer, MCO, attending physician, and other medical provider, unless a specific limitation or exception is expressly provided for in the statute.

(30) "Physical Capacity Evaluation" means an objective, directly observed, measurement of a patient's ability to perform a variety of physical tasks combined with subjective analyses of abilities by patient and evaluator. Physical tolerance screening, Blankenship's Functional Evaluation, and Functional Capacity Assessment will be considered to have the same meaning as Physical Capacity Evaluation.

(31) "Provider network" means a health service intermediary other than an MCO that facilitates transactions between medical providers and insurers through a series of contractual arrangements.

(32) "Report" means medical information transmitted in written form containing relevant subjective or objective findings. Reports may take the form of brief or complete narrative reports, a treatment plan, a closing examination report, or any forms as prescribed by the director.

(33) "Residual Functional Capacity" means a patient's remaining ability to perform work-related activities despite medically determinable impairment resulting from the accepted compensable condition. A residual functional capacity evaluation includes, but is not limited to, capability for lifting, carrying, pushing, pulling, standing, walking, sitting, climbing, balancing, bending/stooping, twisting, kneeling, crouching, crawling, and reaching, and the number of hours per day the patient can perform each activity.

(34) "Specialist Physician" means a licensed physician who qualifies as an attending physician and who examines a patient at the request of the attending physician or authorized nurse practitioner to aid in evaluation of disability, diagnosis, and/or provide temporary specialized treatment. A specialist physician may provide specialized treatment for the compensable injury or illness and give advice or an opinion regarding the treatment being rendered, or considered, for a patient's compensable injury.

(35) "Type A attending physician" means an attending physician under ORS 656.005(12)(b)(A). See "Matrix for Health Care Provider types" Appendix F.

(36) "Type B attending physician" means an attending physician under ORS 656.005(12)(b)(B). See "Matrix for Health Care Provider types" Appendix F.

(37) "Usual Fee" means the medical provider's fee charged to the general public for a given service.

(38) "Work Capacity Evaluation" means a physical capacity evaluation with special emphasis on the ability to perform a variety of vocationally oriented tasks based on specific job demands. Work Tolerance Screening will be considered to have the same meaning as Work Capacity Evaluation.

(39) "Work Hardening" means an individualized, medically prescribed and monitored, work oriented treatment process. The process involves the patient participating in simulated or actual work tasks that are

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structured and graded to progressively increase physical tolerances, stamina, endurance, and productivity to return the patient to a specific job.

Stat. Auth.: ORS 656.726(4)
Stats. Implemented: ORS 656.000 et seq., 656.005, 656.726(4)
Hist.: WCD 12-1996, f. 5-6-96, cert. ef. 6-1-96; WCD 20-1996, f. 10-2-96, cert. ef. 1-1-97; WCD 5-1998, f. 4-3-98, cert. ef. 7-1-98; WCD 9-1999, f. 5-27-99, cert. ef. 7-1-99; WCD 3-2002, f. 2-25-02 cert. ef. 4-1-02; WCD 6-2003, f. 5-28-03, cert. ef. 7-1-03; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 3-2006, f. 3-14-06, cert. ef. 4-1-06; WCD 2-2007, f. 5-23-07, cert. ef. 7-1-07; WCD 10-2007, f. 11-1-07, cert. ef. 1-1-08; WCD 5-2008, f. 12-15-08, cert. ef. 1-1-09; WCD 3-2010, f. 5-28-10, cert. ef. 7-1-10; WCD 1-2011, f. 3-1-11, cert. ef. 4-1-11; WCD 3-2014, f. 3-12-14, cert. ef. 4-1-14

436-009-0008

Request for Review by the Director

(1) General.

(a) Administrative review before the director:

(A) Except as otherwise provided in ORS 656.704, the director has exclusive jurisdiction to resolve all disputes concerning medical fees, non-payment of compensable medical bills, and medical service and treatment disputes arising under ORS 656.245, 656.247, 656.248, 656.260, 656.325, and 656.327. Disputes about whether a medical service provided after a worker is medically stationary is compensable within the meaning of ORS 656.245(1)(c), or whether a medical treatment is unscientific, unproven, unmoded, or experimental under ORS 656.245(3), are subject to administrative review by the director.

(B) A party does not need to be represented to participate in the administrative review before the director.

(C) Any party may request that the director provide voluntary mediation or alternative dispute resolution after a request for administrative review or hearing is filed.

(b) Except for disputes regarding interim medical benefits under ORS 656.247, when there is a formal denial of the compensability of the underlying claim, or a denial of the causal relationship between the medical service or treatment and the accepted condition or the underlying condition, the parties may file a request for hearing with the Hearings Division of the Workers' Compensation Board to resolve the compensability issue.

(2) Time Frames and Conditions.

(a) The following time frames and conditions apply to requests for administrative review before the director under this rule:

(b) For all MCO-enrolled claims, a party that disagrees with an action or decision of the MCO must first use the MCO's dispute resolution process. If the party does not appeal the MCO's decision using the MCO's dispute resolution process, in writing and within 30 days of the mailing date of the decision, the party will lose all rights to further appeal the decision absent a showing of good cause. When the aggrieved party is a represented worker, and the worker's attorney has given written notice of representation to the insurer, the 30-day time frame begins when the attorney receives written notice or has actual knowledge of the MCO decision.

(c) For MCO-enrolled claims, if a party disagrees with the final action or decision of the MCO, the aggrieved party must request administrative review by the director within 60 days of the MCO's final decision. When the aggrieved party is a represented worker, and the worker's attorney has given written notice of representation to the insurer, the 60-day time frame begins when the attorney receives written notice or has actual knowledge of the dispute. If a party has been denied access to the MCO dispute resolution process, or the process has not been completed for reasons beyond a party's control, the party may request director review within 60 days of the failure of the MCO process. If the MCO does not have a process for resolving a particular type of dispute, the insurer or the MCO must advise the medical provider or worker that they may request review by the director.

(d) For claims not enrolled in an MCO, or for disputes which do not involve an action or decision of an MCO, the aggrieved party must request administrative review by the director within 90 days of the date the party knew, or should have known, there was a dispute. When the aggrieved party is a represented worker, and the worker's attorney has given written notice of representation to the insurer, the 90-day time frame begins when the attorney receives written notice or has actual knowledge of the dispute. For purposes of this rule, the date the insurer should have known of the dispute is the date action on the bill was due. For disputes regarding interim medical benefits on denied claims, the date the insurer should have known of the dispute is no later than one year from the claim denial, or 45 days after the bill is perfected, whichever occurs last. A request for administrative review under this rule may also be filed as prescribed in OAR chapter 438, division 005.

(e) Within 180 days of the date a bill is paid, an insurer may request a refund from a provider for any amount it determines was overpaid for a compensable medical service. If the provider does not respond to the

request, or disagrees that a service was overpaid, the insurer may request director review within 90 days of requesting the refund.

(f) Medical provider bills for treatment or services that are under review by the director are not payable during the review.

(3) Form and Required Information.

(a) Requests for administrative review by the director should be made on Form 2842 as described in Bulletin 293. When an insurer or a worker's representative submits a request without the required information, the director may dismiss the request or hold initiation of the administrative review until the required information is submitted. Unrepresented workers may ask the director for help in meeting the filing requirements.

(A) The requesting party must simultaneously notify all other interested parties of the dispute, and their representatives, if known, as follows: Identify the worker's name, date of injury, insurer, and claim number; Specify the issues in dispute and the relief sought; and Provide the specific dates of the unpaid disputed treatment or services.

(B) If the request for review is submitted by either the insurer or the medical provider, it must state specific code(s) of service(s) in dispute and include enough documentation to support the request, including copies of original bills, chart notes, bill analyses, operative reports, any correspondence between the parties regarding the dispute, and any other documentation necessary to review the dispute. The insurer or medical provider requesting review must provide all involved parties a copy of: The request for review; Any attached supporting documentation; and If known, an indication of whether or not there is an issue of causation or compensability of the underlying claim or condition.

(b) In addition to medical evidence relating to the dispute, all parties may submit other relevant information, including written factual information, sworn affidavits, or legal argument, for incorporation into the record. Such information may also include timely written responses and other evidence to rebut the documentation and arguments of an opposing party. The director may take or obtain additional evidence consistent with statute, such as pertinent medical treatment and payment records. The director may also interview parties to the dispute, or consult with an appropriate committee of the medical provider's peers. When a party receives a written request for additional information from the director, the party must respond within 14 days.

(c) When a request for administrative review is filed under ORS 656.247, the insurer must provide a record packet, without cost, to the director and all other parties or their representatives as follows:

(A) The packet must include a complete, indexed copy of the worker's medical record and other documents that are arguably related to the medical dispute, arranged in chronological order, with oldest documents on top, and numbered in Arabic numerals in the lower right corner of each page. The number must be preceded by the designation "Ex." and pagination of the multiple page documents must be designated by a hyphen followed by the page number. For example, page two of document ten must be designated "Ex. 10-2." The index must include the document numbers, description of each document, author, number of pages, and date of the document. The packet must include the following notice in bold type: We hereby notify you that the director is being asked to review the medical care of this worker. The director may issue an order that could affect reimbursement for the disputed medical service(s).

(B) If the insurer requests review, the packet must accompany the request, with copies sent simultaneously to the other parties.

(C) If the requesting party is other than the insurer, or if the director has initiated the review, the director will request the record from the insurer. The insurer must provide the record within 14 days of the director's request as described in this rule.

(D) If the insurer fails to submit the record in the time and format specified in this rule, the director may penalize or sanction the insurer under OAR 436-010-0340.

(4) Dispute Resolution by Agreement (Alternative Dispute Resolution).

(a) A dispute may be resolved by agreement between the parties to the dispute. The agreement must be in writing and approved by the director. The director may issue a letter of agreement instead of an administrative order, which will become final on the 10th day after the letter of agreement is issued unless the agreement specifies otherwise. Once the agreement becomes final, the director may revise the agreement or reinstate the review only under one or more of the following conditions:

(A) A party fails to honor the agreement;

(B) The agreement was based on misrepresentation;

(C) Implementation of the agreement is not feasible because of unforeseen circumstances; or

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(D) All parties request revision or reinstatement of the dispute.

(b) Any mediated agreement may include an agreement on attorney fees, if any, to be paid to the claimant's attorney.

(5) Director Order and Reconsideration.

(a) The director may, on the director's own motion, reconsider or withdraw any order that has not become final by operation of law. A party also may request reconsideration of an administrative order upon an allegation of error, omission, misapplication of law, incomplete record, or the discovery of new information that could not reasonably have been discovered and produced during the review. The director may grant or deny a request for reconsideration at the director's sole discretion. A request must be mailed to the director before the administrative order becomes final.

(b) During any reconsideration of the administrative order, the parties may submit new material evidence consistent with this rule and may respond to such evidence submitted by others.

(c) Any party requesting reconsideration or responding to a reconsideration request must simultaneously notify all other interested parties of its contentions and provide them with copies of all additional information presented.

(d) Attorney fees in administrative review will be awarded as provided in ORS 656.385(1) and OAR 436-001-0400 through 436-001-0440.

(6) Hearings.

(a) Any party that disagrees with an action or administrative order under these rules may obtain review of the action or order by filing a request for hearing as provided in OAR 436-001-0019 within 30 days of the mailing date of the order under ORS 656.245, 656.248, 656.260, or 656.327, or within 60 days of the mailing date of an order under ORS 656.247. OAR 436-001 applies to the hearing.

(b) In the review of orders issued under ORS 656.245(3) or 656.247, no new medical evidence or issues will be admitted at hearing. In these reviews, an administrative order may be modified at hearing only if it is not supported by substantial evidence in the record or if it reflects an error of law.

(c) Contested case hearings of sanctions and civil penalties: Under ORS 656.740, any party that disagrees with a proposed order or proposed assessment of a civil penalty issued by the director under ORS 656.254 or 656.745 may request a hearing by the Hearings Division of the Board as follows:

(A) A written request for a hearing must be mailed to the administrator of the Workers' Compensation Division. The request must specify the grounds upon which the proposed order or assessment is contested.

(B) The request must be mailed to the division within 60 days after the mailing date of the order or notice of assessment.

(C) The division will forward the request and other pertinent information to the board.

(7) Other Proceedings.

(a) Director's administrative review of other actions not covered under sections (1)(a) through (6)(b) of this rule: Any party seeking an action or decision by the director, or any party aggrieved by an action taken by another party, may request administrative review by the director. Any party may request administrative review as follows:

(b) A written request for review must be sent to the administrator of the Workers' Compensation Division within 90 days of the disputed action and must specify the grounds upon which the action is contested.

(c) The division may require and allow such input and information as it deems appropriate to complete the review.

Stat. Auth.: ORS 656.704, 656.726(4)

Stats. Implemented: ORS 656.704

Hist.: WCD 5-1982(Admin), f. 2-23-82, ef. 3-1-82; WCD 1-1984(Admin), f. & ef. 1-16-84; Renumbered from 436-069-0901, 5-1-85 WCD 1-1988, f. 1-20-88, cert. ef. 2-1-88; WCD 1-1990, f. 1-5-90, cert. ef. 2-1-89, (Former sections (3), (4), & (7) Renumbered to 436-010-0130); WCD 12-1990(Temp), f. 6-20-90, cert. ef. 7-1-90; WCD 30-1990, f. 12-10-90, cert. ef. 12-26-90; WCD 11-1992, f. 6-11-92, cert. ef. 7-1-92; WCD 13-1994, f. 12-20-94, cert. ef. 2-1-95; WCD 12-1996, f. 5-6-96, cert. ef. 6-1-96, Renumbered from 436-010-0110; WCD 5-1998, f. 4-3-98, cert. ef. 7-1-98; WCD 9-1999, f. 5-27-99, cert. ef. 7-1-99; WCD 13-1999(Temp), f. & cert. ef. 10-25-99 thru 4-21-00; WCD 2-2000, f. 3-15-00, cert. ef. 4-1-00; WCD 2-2001, f. 3-8-01, cert. ef. 4-1-01; WCD 3-2002, f. 2-25-02, cert. ef. 4-1-02; WCD 6-2003, f. 5-28-03, cert. ef. 7-1-03; WCD 14-2003(Temp), f. 12-15-03, cert. ef. 1-1-04 thru 6-28-04; WCD 3-2004, f. 3-5-04, cert. ef. 4-1-04; WCD 2-2005, f. 3-24-05, cert. ef. 4-1-05; WCD 7-2005, f. 10-20-05, cert. ef. 1-2-06; WCD 3-2006, f. 3-14-06, cert. ef. 4-1-06; WCD 2-2007, f. 5-23-07, cert. ef. 7-1-07; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 5-2008, f. 12-15-08, cert. ef. 1-1-09; WCD 3-2010, f. 5-28-10, cert. ef. 7-1-10; WCD 3-2014, f. 3-12-14, cert. ef. 4-1-14

436-009-0010

Medical Billing and Payment

(1) General.

(a) Only treatment that falls within the scope and field of the medical provider's license to practice will be paid under a worker's compensation claim.

(b) All billings must include the patient's full name, date of injury, and the employer's name. If available, billings must also include the insurer's claim number and the provider's NPI. If the provider does not have an NPI, then the provider must provide its license number and the billing provider's FEIN. For provider types not licensed by the state, "99999" must be used in place of the state license number.

(c) The medical provider must bill their usual fee charged to the general public. The submission of the bill by the medical provider shall serve as a warrant that the fee submitted is the usual fee of the medical provider for the services rendered. The department shall have the right to require documentation from the medical provider establishing that the fee under question is the medical provider's usual fee charged to the general public. For purposes of this rule, "general public" means any person who receives medical services, except those persons who receive medical services subject to specific billing arrangements allowed under the law which require providers to bill other than their usual fee.

(d) Medical providers must not submit false or fraudulent billings, including billing for services not provided. As used in this section, "false or fraudulent" means an intentional deception or misrepresentation with the knowledge that the deception could result in unauthorized benefit to the provider or some other person. A request for pre-payment for a deposition is not considered false or fraudulent.

(e) When a provider treats a patient with two or more compensable claims, the provider must bill individual medical services for each claim separately.

(f) When rebilling, medical providers must indicate that the charges have been previously billed.

(g) If a patient requests copies of medical bills in writing, medical providers must provide copies within 30 days of the request, and provide any copies of future bills during the regular billing cycle.

(2) Billing Timelines. (For payment timelines see OAR 436-009-0030.)

(a) Medical providers must bill within:

(A) 60 days of the date of service;

(B) 60 days after the medical provider has received notice or knowledge of the responsible workers' compensation insurer or processing agent; or

(C) 60 days after any litigation affecting the compensability of the service is final, if the provider receives written notice of the final litigation from the insurer.

(b) If the provider bills past the timelines outlined in subsection (a) of this section, the provider may be subject to civil penalties as provided in ORS 656.254 and OAR 436-010-0340.

(c) When submitting a bill later than outlined in subsection (a) of this section, a medical provider must establish good cause. Good cause may include, but is not limited to, such issues as extenuating circumstances or circumstances considered outside the control of the provider.

(d) When a provider submits a bill within 12 months of the date of service, the insurer may not reduce payment due to late billing.

(e) When a provider submits a bill more than 12 months after the date of service, the bill is not payable, except when a provision of subsection (2)(a) is the reason the billing was submitted after 12 months.

(3) Billing Forms.

(a) All medical providers must submit bills to the insurer unless a contract directs the provider to bill the managed care organization.

(b) Medical providers must submit bills on a completed current UB-04 (CMS 1450) or CMS 1500 form (Versions 08/05 or 02/12 for dates of service prior to Oct. 1, 2014; Version 02/12 for dates of service Oct. 1, 2014 or after) except for:

(A) Dental billings, which must be submitted on American Dental Association dental claim forms;

(B) Pharmacy billings, which must be submitted on a current National Council for Prescription Drug Programs (NCPDP) form; or

(C) Electronic billing transmissions of medical bills.

(c) Medical providers may use computer-generated reproductions of the appropriate forms.

(d) Unless different instructions are provided in the table below, the provider should use the instructions provided in the National Uniform Claim Committee 1500 Claim Form Reference Instruction Manual. [ED. NOTE: Publication referenced are available from the agency.]

(4) Billing Codes.

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(a) When billing for medical services, a medical provider must use codes listed in CPT® 2014 or Oregon specific codes (OSC) listed in OAR 436-009-0060 that accurately describe the service.

(A) If there is no specific CPT® code or OSC, a medical provider must use the appropriate HCPCS or dental code, if available, to identify the medical supply or service.

(B) If there is no specific code for the medical service, the medical provider must use the unlisted code at the end of each medical service section of CPT® 2014 or the appropriate unlisted HCPCS code, and provide a description of the service provided.

(C) A medical provider must include the National Drug Code (NDC) to identify the drug or biological when billing for pharmaceuticals.

(b) Only one office visit code may be used for each visit except for those code numbers relating specifically to additional time.

(5) Modifiers.

(a) When billing, unless otherwise provided by these rules, medical providers must use the appropriate modifiers found in CPT® 2014, HCPCS' level II national modifiers, or anesthesia modifiers, when applicable.

(b) Modifier 22 identifies a service provided by a medical service provider that requires significantly greater effort than typically required. Modifier 22 may only be reported with surgical procedure codes with a global period of 0, 10 or 90 days listed in Appendix B. The bill must include documentation describing the additional work. It is not sufficient to simply document the extent of the patient's comorbid condition that caused the additional work. When a medical service provider appropriately bills for an eligible procedure with modifier 22, the payment rate is 125% of the fee published in Appendix B, or the fee billed, whichever is less. For all services identified by modifier 22, two or more of the following factors must be present: Unusually lengthy procedure; Excessive blood loss during the procedure; Presence of an excessively large surgical specimen (especially in abdominal surgery); Trauma extensive enough to complicate the procedure and not billed as separate procedure codes; Other pathologies, tumors, malformations (genetic, traumatic, surgical) that directly interfere with the procedure but are not billed as separate procedure codes; or The services rendered are significantly more complex than described for the submitted CPT.

(6) Physician Assistants and Nurse Practitioners. Physician assistants and nurse practitioners must bill using modifier "81" and document in the chart notes that they provided the medical service.

(7) Chart Notes.

(a) All original medical provider billings must be accompanied by legible chart notes. The chart notes must document the services that have been billed and identify the person performing the service.

(b) Chart notes must not be kept in a coded or semi-coded manner unless a legend is provided with each set of records.

(c) When processing electronic bills, the insurer may waive the requirement that bills be accompanied by chart notes. The insurer remains responsible for payment of only compensable medical services. Medical providers may submit their chart notes separately or at regular intervals as agreed with the insurer.

(8) Challenging the Provider's Bill. For services where the fee schedule does not establish a fixed dollar amount, an insurer may challenge the reasonableness of a provider's bill on a case by case basis by asking the director to review the bill under OAR 436-009-0008. If the director determines the amount billed is unreasonable, the director may establish a different fee to be paid to the provider based on at least one of, but not limited to, the following: reasonableness, the usual fees of similar providers, fees for similar services in similar geographic regions, and any extenuating circumstances.

(9) Billing the Patient/Patient Liability.

(a) A patient is not liable to pay for any medical service related to an accepted compensable injury or illness or any amount reduced by the insurer according to OAR chapter 436. However, the patient may be liable, and the provider may bill the patient:

(A) If the patient seeks treatment for conditions not related to the accepted compensable injury or illness;

(B) If the patient seeks treatment for a service that has not been prescribed by the attending physician or authorized nurse practitioner, or a specialist physician upon referral of the attending physician or authorized nurse practitioner. This would include, but is not limited to, ongoing treatment by non-attending physicians in excess of the 30-day/12-visit period or by nurse practitioners in excess of the 180-day period, as set forth in ORS 656.245 and OAR 436-010-0210;

(C) If the insurer notifies the patient that he or she is medically stationary and the patient seeks palliative care that is not authorized by the insurer or the director under OAR 436-010-0290;

(D) If an MCO-enrolled patient seeks treatment from the provider outside the provisions of a governing MCO contract; or

(E) If the patient seeks treatment listed in section (12) of this rule after the patient has been notified that such treatment is unscientific, unproven, outmoded, or experimental.

(b) If the director issues an order declaring an already rendered medical service or treatment inappropriate, or otherwise in violation of the statute or administrative rules, the worker is not liable for such services.

(10) Disputed Claim Settlement (DCS). The insurer must pay a medical provider for any bill related to the claimed condition received by the insurer on or before the date the terms of a DCS were agreed on, but was either not listed in the approved DCS or was not paid to the medical provider as set forth in the approved DCS. Payment must be made by the insurer as prescribed by ORS 656.313(4)(d) and OAR 438-009-0010(2)(g) as if the bill had been listed in the approved settlement or as set forth in the approved DCS, except, if the DCS payments have already been made, the payment must not be deducted from the settlement proceeds. Payment must be made within 45 days of the insurer's knowledge of the outstanding bill.

(11) Payment Limitations.

(a) Insurers do not have to pay providers for the following:

(A) Completing forms 827 and 4909;

(B) Providing chart notes with the original bill;

(C) Preparing a written treatment plan;

(D) Supplying progress notes that document the services billed;

(E) Completing a work release form or completion of a PCE form, when no tests are performed;

(F) A missed appointment "no show" (see exceptions below under section (13) Missed Appointment "No Show"); or

(G) More than three mechanical muscle testing sessions per treatment program or when not prescribed and approved by the attending physician or authorized nurse practitioner.

(b) Mechanical muscle testing includes a copy of the computer print-out from the machine, written interpretation of the results, and documentation of time spent with the patient. Additional mechanical muscle testing shall be paid for only when authorized in writing by the insurer prior to the testing.

(12) Excluded Treatment. The following medical treatments (or treatment of side effects) are not compensable and insurers do not have to pay for:

(a) Dimethyl sulfoxide (DMSO), except for treatment of compensable interstitial cystitis;

(b) Intradiscal electrothermal therapy (IDET);

(c) Surface EMG (electromyography) tests;

(d) Rolting;

(e) Prolotherapy;

(f) Thermography;

(g) Lumbar artificial disc replacement, unless it is a single level replacement with an unconstrained or semi-constrained metal on polymer device and:

(A) The single level artificial disc replacement is between L3 and S1;

(B) The patient is 16 to 60 years old;

(C) The patient underwent a minimum of six months unsuccessful exercise based rehabilitation; and

(D) The procedure is not found inappropriate under OAR 436-010-0230(15) or (16); and

(h) Cervical artificial disc replacement, unless it is a single level replacement with a semi-constrained metal on polymer or a semi-constrained metal on metal device and:

(A) The single level artificial disc replacement is between C3 and C7;

(B) The patient is 16 to 60 years old;

(C) The patient underwent unsuccessful conservative treatment;

(D) There is intraoperative visualization of the surgical implant level; and

(E) The procedure is not found inappropriate under OAR 436-010-0230(17) or (18).

(13) Missed Appointment (No Show). In general, the insurer does not have to pay for "no show" appointments. However, insurers must pay for "no show" appointments for arbiter exams, director required medical exams, independent medical exams, worker requested medical exams, and closing exams. If the patient does not give 48 hours notice, the insurer must pay the provider 50 percent of the exam or testing fee and 100 percent for

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any review of the file that was completed prior to cancellation or missed appointment.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 656.245, 656.252, 656.254
Stats. Implemented: ORS 656.245, 656.252, 656.254
Hist.: WCD 12-1996, f. 5-6-96, cert. ef. 6-1-96; WCD 20-1996, f. 10-2-96, cert. ef. 1-1-97; WCD 9-1999, f. 5-27-99, cert. ef. 7-1-99; WCD 2-2000, f. 3-15-00, cert. ef. 4-1-00; WCD 2-2001, f. 3-8-01, cert. ef. 4-1-01; WCD 8-2001, f. 9-13-01, cert. ef. 9-17-01; WCD 3-2002, f. 2-25-02, cert. ef. 4-1-02; WCD 6-2003, f. 5-28-03, cert. ef. 7-1-03; WCD 3-2004, f. 3-5-04, cert. ef. 4-1-04; WCD 2-2005, f. 3-24-05, cert. ef. 4-1-05; WCD 3-2006, f. 3-14-06, cert. ef. 4-1-06; WCD 2-2007, f. 5-23-07, cert. ef. 7-1-07; WCD 10-2007, f. 11-1-07, cert. ef. 1-1-08; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 1-2009, f. 5-22-09, cert. ef. 7-1-09; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 3-2010, f. 5-28-10, cert. ef. 7-1-10; WCD 1-2011, f. 3-1-11, cert. ef. 4-1-11; WCD 1-2012, f. 2-16-12, cert. ef. 4-1-12; WCD 2-2013, f. 3-11-13, cert. ef. 4-1-13; WCD 3-2014, f. 3-12-14, cert. ef. 4-1-14

436-009-0018 Discounts and Contracts

(1) Medical Service Providers and Medical Clinics. For the purpose of this rule, "Medical Service Provider" means persons duly licensed to practice one or more of the healing arts. "Clinic" means a group practice in which several medical service providers work cooperatively.

(2) Discounts.

(a) An insurer may only apply the following discounts to a medical service provider's or clinic's fee:

(A) A fee agreed to under a fee discount agreement that conforms to this rule and has been reported to the director; or

(B) A fee agreed to by the medical service provider or clinic under an MCO contract to cover services provided to a worker enrolled in the MCO.

(b) If the insurer has multiple contracts with a medical service provider or clinic, and one of the contracts is through an MCO for services provided to an enrolled worker, the insurer may only apply the discount under the MCO's contract.

(c) Any discount under a fee discount agreement cannot be more than 10 percent of the fee schedule amount.

(d) An insurer may not apply a fee discount until the medical service provider or clinic and the insurer have signed the fee discount agreement.

(3) Fee Discount Agreements.

(a) The fee discount agreement between the parties must be on the provider's letterhead and contain all the information listed on Form 440-3659. Bulletin 352 provides further information. The agreement must include the following:

(A) A statement that the medical service provider or clinic understands and voluntarily agrees with the terms of the fee discount agreement;

(B) The effective and end dates of the agreement;

(C) The discount rate or rates under the agreement;

(D) A statement that the insurer or employer may not direct patients to the provider or clinic, and that the insurer or employer may not direct or manage the care a patient receives;

(E) A statement that the agreement only applies to patients who are being treated for Oregon workers' compensation claims;

(F) A statement that the fee discount agreement may not be amended. A new fee discount agreement must be executed to change the terms between the parties.

(G) A statement that either party may terminate the agreement by providing the other party with 30 days written notice;

(H) The name and address of the singular insurer or self-insured employer that will apply the discounts;

(I) The national provider identifier for the provider or clinic; and

(J) Other terms and conditions to which the medical service provider or clinic and the insurer agree and that are consistent with these rules.

(b) Once the fee discount agreement has been signed by the insurer and medical service provider or clinic, the insurer must report the fee discount agreement to the director by completing the director's online form. The following information must be included:

(A) The insurer's name that will apply the discounts under the fee discount agreement;

(B) The medical service provider's or clinic's name;

(C) The effective date of the agreement;

(D) The end date of the agreement;

(E) The discount rate under the agreement and;

(F) An indication that all the terms required under section (3)(a) of this rule are included in the signed fee discount agreement.

(4) Fee Discount Agreement Modifications and Terminations.

(a) When the medical service provider or clinic and the insurer agree to modify an existing fee discount agreement, the parties must enter into a new fee discount agreement.

(b) Either party to the fee discount agreement may terminate the agreement by providing 30 days written notice to the other party. The insurer must report the termination to the director prior to the termination taking effect by completing the director's online form. The following information must be reported:

(A) The insurer's name;

(B) The medical service provider's or clinic's name; and

(C) The termination date of the agreement.

(5) Other Medical Providers.

(a) For the purpose of this rule, other "Medical Providers" means providers such as hospitals, ambulatory surgery centers, or vendors of medical services and does not include medical service providers or clinics.

(b) The insurer may apply a discount to the medical provider's fee if a written or verbal contract exists.

(c) If the insurer and the medical provider have multiple contracts, only one discount may be applied.

(d) If the insurer has multiple contracts with a provider and one of the contracts is through an MCO for services provided to an enrolled worker, the insurer may only apply the discount under the MCO's contract.

Stat. Auth.: ORS 656.726(4)

Stats. Implemented: ORS 656.248

Hist.: WCD 5-2008, f. 12-15-08, cert. ef. 1-1-09; WCD 1-2009, f. 5-22-09, cert. ef. 7-1-09; WCD 3-2014, f. 3-12-14, cert. ef. 4-1-14

436-009-0020

Hospitals

(1) Inpatient.

(a) For the purposes of this rule, hospital inpatient services are those services that are billed with codes "0111" through "0118" in form locator #4 on the UB-04 billing form.

(b) Hospital inpatient bills must include:

(A) For dates of service prior to Oct. 1, 2014, ICD-9-CM codes, and on or after Oct. 1, 2014, ICD-10-CM codes;

(B) When applicable, procedural codes;

(C) The hospital's NPI; and

(D) The Medicare Severity Diagnosis Related Group (MS-DRG) code for bills from those hospitals listed in Appendix A.

(c) Unless otherwise provided by contract, the insurer must pay the audited bill for hospital inpatient services by multiplying the amount charged by the hospital's adjusted cost to charge ratio (See Bulletin 290). The insurer must pay in-state hospitals not listed in Bulletin 290 at 80 percent of billed charges for inpatient services.

(2) Outpatient.

(a) For the purposes of this rule, hospital outpatient services are those services that are billed with codes "0131" through "0138" in form locator #4 on the UB-04 billing form.

(b) Hospital outpatient bills must, when applicable, include the following:

(A) Revenue codes;

(B) For dates of service prior to Oct. 1, 2014, ICD-9-CM codes, and on or after Oct. 1, 2014, ICD-10-CM and ICD-10-PCS codes;

(C) CPT® codes and HCPCS codes; and

(D) The hospital's NPI.

(c) Unless otherwise provided by contract, the insurer must pay for hospital outpatient services as follows: [Appendices not included. See ED. NOTE.]

(3) Specific Circumstances. When a patient is seen initially in an emergency department and is then admitted to the hospital for inpatient treatment, the services provided immediately prior to admission shall be considered part of the inpatient treatment. Diagnostic testing done prior to inpatient treatment shall be considered part of the hospital services subject to the hospital inpatient fee schedule.

(4) Out-of-State Hospitals.

(a) The payment to out-of-state hospitals may be negotiated between the insurer and the hospital.

(b) Any agreement for payment less than the billed amount must be in writing and signed by the hospital and insurer representative.

(c) The agreement must include language that the hospital will not bill the patient any remaining balance and that the negotiated amount is considered payment in full.

(d) If the insurer and the hospital are unable to reach an agreement within 45 days of the insurer's receipt of the bill, either party may bring the issue to the director for resolution. The director may order payment up to the amount billed considering factors such as, but not limited to, reasonableness, usual fees for similar services by facilities in similar geographic areas, case specific services, and any extenuating circumstances.

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(5) Calculation of Cost to Charge Ratio Published in Bulletin 290.

(a) Each hospital's CMS 2552 form and financial statement shall be the basis for determining its adjusted cost to charge ratio. If a current form 2552 is not available, then financial statements may be used to develop estimated data. If the adjusted cost to charge ratio is determined from estimated data, the hospital will receive the lower ratio of either the hospital's last published cost to charge ratio or the hospital's cost to charge ratio based on estimated data.

(b) The basic cost to charge ratio shall be developed by dividing the total net expenses for allocation shown on Worksheet A, and as modified in subsection (c), by the total patient revenues from Worksheet G-2.

(c) The net expenses for allocation derived from Worksheet A shall be modified by adding, from Worksheet A-8, the expenses for:

(A) Provider-based physician adjustment;

(B) Patient expenses such as telephone, television, radio service, and other expenses determined by the department to be patient-related expenses; and

(C) Expenses identified as for physician recruitment.

(d) The basic cost to charge ratio shall be further modified to allow a factor for bad debt and the charity care provided by each hospital. The adjustment for bad debt and charity care is calculated in two steps. Step one: Add the dollar amount for net bad debt to the dollar amount for charity care. Divide this sum by the dollar amount of the total patient revenues, from Worksheet G-2, to compute the bad debt and charity ratio. Step two: Multiply the bad debt and charity ratio by the basic cost to charge ratio calculated in subsection (5)(b) to obtain the factor for bad debt and charity care.

(e) The basic cost to charge ratio shall be further modified to allow an adequate return on assets. The director will determine a historic real growth rate in the gross fixed assets of Oregon hospitals from the audited financial statements. This real growth rate and the projected growth in a national fixed weight price deflator will be added together to form a growth factor. This growth factor will be multiplied by the total fund balance, from Worksheet G of each hospital's CMS 2552 to produce a fund balance amount. The fund balance amount is then divided by the total patient revenues from Worksheet G-2, to compute the fund balance factor.

(f) The factors resulting from subsections (5)(d) and (5)(e) of this rule will be added to the ratio calculated in subsection (5)(b) of this rule to obtain the adjusted cost to charge ratio. In no event will the adjusted cost to charge ratio exceed 1.00.

(g) The adjusted cost to charge ratio for each hospital will be revised annually, at a time based on their fiscal year, as described by bulletin. Each hospital must submit a copy of their CMS 2552 and financial statements each year within 150 days of the end of their fiscal year to the Information Technology and Research Section, Department of Consumer and Business Services. The adjusted cost to charge ratio schedule will be published by bulletin twice yearly, effective for the six-month period beginning April 1 and the six-month period beginning October 1.

(h) For newly formed or established hospitals for which no CMS 2552 has been filed or for which there is insufficient data, or for those hospitals that do not file Worksheet G-2 with the submission of their CMS 2552, the division shall determine an adjusted cost to charge ratio for the hospital based upon the adjusted cost to charge ratios of a group of hospitals of similar size or geographic location.

(i) If the financial circumstances of a hospital unexpectedly or dramatically change, the division may revise the hospital's adjusted cost to charge ratio to allow equitable payment.

(j) If audit of a hospital's CMS 2552 by the CMS produces significantly different data from that obtained from the initial filing, the division may revise the hospital's adjusted cost to charge ratio to reflect the data developed subsequent to the initial calculation.

(k) Notwithstanding sections (1)(c), (2)(b), and (2)(c) of this rule, the director may exclude rural hospitals from imposition of the adjusted cost to charge ratio based upon a determination of economic necessity. The rural hospital exclusion will be based on the financial health of the hospital reflected by its financial flexibility index. All rural hospitals having a financial flexibility index at or below the median for critical access hospitals nationwide will qualify for the rural exemption. Rural hospitals that are designated as critical access hospitals under the Oregon Medicare Rural Hospital Flexibility Program are automatically exempt from imposition of the adjusted cost to charge ratio.

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

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

Stat. Auth.: ORS 656.726(4), also see 656.012, 656.236(5), 656.327(2), 656.313(4)(d)

Stats. Implemented: ORS 656.248; 656.252; 656.256

Hist.: WCD 5-1982(Admin), f. 2-23-82, ef. 3-1-82; WCD 1-1984(Admin), f. & ef. 1-16-84;

WCD 2-1985(Admin), f. 4-29-85, ef. 6-3-85; Renumbered from 436-069-0701, 5-1-85;

WCD 3-1985(Admin)(Temp), f. & ef. 9-4-85; WCD 4-1985(Admin)(Temp), f. & ef. 9-11-85; WCD 6-1985(Admin), f. 12-10-85, ef. 1-1-86; WCD 1-1986(Admin)(Temp), f. 2-5-86, ef. 2-6-86; WCD 2-1986(Admin), f. 3-10-86, ef. 3-17-86; WCD 2-1987(Admin), f. 2-20-87, ef. 3-16-87; WCD 1-1988, f. 1-20-88, cert. ef. 2-1-88; WCD 6-1988, f. 9-6-88, cert. ef. 9-15-88; WCD 2-1989, f. 8-21-89, cert. ef. 9-1-89; WCD 1-1990, f. 1-5-90, cert. ef. 2-1-90; WCD 12-1990(Temp), f. 6-20-90, cert. ef. 7-1-90; WCD 15-1990, f. & cert. ef. 8-7-90; WCD 30-1990, f. 12-10-90, cert. ef. 12-26-90; WCD 11-1992, f. 6-11-92, cert. ef. 7-1-92; WCD 13-1994, f. 12-20-94, cert. ef. 2-1-95; WCD 18-1995(Temp), f. & cert. ef. 12-4-95; WCD 12-1996, f. 5-6-96, cert. ef. 6-1-96, Renumbered from 436-010-0090; WCD 20-1996, f. 10-2-96, cert. ef. 1-1-97; WCD 5-1997, f. 4-21-97, cert. ef. 7-1-97; Administrative correction 6-18-97; WCD 8-1997(Temp), f. & cert. ef. 7-9-97; WCD 16-1997, f. & cert. ef. 12-15-97; WCD 5-1998, f. 4-3-98, cert. ef. 7-1-98; WCD 9-1999, f. 5-27-99, cert. ef. 7-1-99; WCD 2-2001, f. 3-8-01, cert. ef. 4-1-01; WCD 3-2002, f. 2-25-02 cert. ef. 4-1-02; WCD 6-2003, f. 5-28-03, cert. ef. 7-1-03; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 2-2005, f. 3-24-05, cert. ef. 4-1-05; WCD 3-2006, f. 3-14-06, cert. ef. 4-1-06; WCD 2-2007, f. 5-23-07, cert. ef. 7-1-07; WCD 10-2007, f. 11-1-07, cert. ef. 1-1-08; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 3-2008(Temp), f. & cert. ef. 7-7-08 thru 1-2-09; WCD 5-2008, f. 12-15-08, cert. ef. 1-1-09; WCD 1-2009, f. 5-22-09, cert. ef. 7-1-09; WCD 3-2010, f. 5-28-10, cert. ef. 7-1-10; WCD 1-2011, f. 3-1-11, cert. ef. 4-1-11; WCD 2-2013, f. 3-11-13, cert. ef. 4-1-13; WCD 3-2014, f. 3-12-14, cert. ef. 4-1-14

436-009-0023

Ambulatory Surgery Center (ASC)

(1) Billing Form.

(a) The ASC must submit bills on a completed, current CMS 1500 form (see OAR 436-009-0010(3)) unless the ASC submits medical bills electronically. Computer-generated reproductions of the CMS 1500 form may also be used.

(b) The ASC must add a modifier "SG" in box 24D of the CMS 1500 form to identify the facility charges.

(2) ASC Facility Fee.

(a) The following services are included in the ASC facility fee and the ASC may not receive separate payment for them:

(A) Nursing, technical, and related services;

(B) Use of the facility where the surgical procedure is performed;

(C) Drugs and biologicals designated as packaged in Appendix D, surgical dressings, supplies, splints, casts, appliances, and equipment directly related to the provision of the surgical procedure;

(D) Radiology services designated as packaged in Appendix D;

(E) Administrative, record-keeping, and housekeeping items and services;

(F) Materials for anesthesia;

(G) Supervision of the services of an anesthesiologist by the operating surgeon; and

(H) Packaged services identified in Appendix C or D.

(b) The payment for the surgical procedure (i.e., the ASC facility fee) does not include physician's services, laboratory, x-ray, or diagnostic procedures not directly related to the surgical procedures, prosthetic devices, orthotic devices, durable medical equipment (DME), or anesthesiologists' services.

(3) ASC Billing.

(a) The ASC should not bill for packaged codes as separate line-item charges when the payment amount says "packaged" in Appendices C or D.

(b) When the ASC provides packaged services (see Appendices C and D) with a surgical procedure, the billed amount should include the charges for the packaged services.

(c) For the purpose of this rule, an implant is an object or material inserted or grafted into the body. When the ASC's cost for an implant is \$100 or more, the ASC may bill for the implant as a separate line item. The ASC must provide the insurer a receipt of sale showing the ASC's cost of the implant.

(4) ASC Payment.

(a) Unless otherwise provided by contract, insurers must pay ASCs for services according to this rule.

(b) Insurers must pay for surgical procedures (i.e., ASC facility fee) and ancillary services the lesser of:

(A) The maximum allowable payment amount for the HCPCS code found in Appendix C for surgical procedures, and in Appendix D for ancillary services integral to a surgical procedure; or

(B) The ASC's usual fee for surgical procedures and ancillary services.

(c) When more than one procedure is performed in a single operative session, insurers must pay the principal procedure at 100 percent of the maximum allowable fee, and the secondary and all subsequent procedures at 50 percent of the maximum allowable fee. A diagnostic arthroscopic procedure performed preliminary to an open operation, is considered a secondary procedure and should be paid accordingly. The multiple surgery discount described in this section does not apply to codes listed in Appendix C with an "N" in the "Subject to Multiple Procedure Discounting" column.

ADMINISTRATIVE RULES

(d) The table below lists packaged surgical codes that ASCs may perform without any other surgical procedure. In this case do not use Appendix C to calculate payment, use the rates listed below instead. [Table not included. See ED. NOTE.]

(e) When the ASC's cost of an implant is more than \$100, insurers must pay implants at 110 percent of the ASC's actual cost documented on a receipt of sale and not according to Appendix D or E.

(f) When the ASC's cost of an implant is less than \$100, insurers are not required to pay separately for the implant. An implant may consist of several separately billable components, some of which may have costs of less than \$100. For payment purposes, insurers must add the costs of all the components for the entire implant and use that total amount to calculate payment for the implant.

(g) The insurer does not have to pay the ASC when the ASC provides services to a patient who is enrolled in a managed care organization (MCO) and:

- (A) The ASC is not a contracted facility for the MCO;
- (B) The MCO has not pre-certified the service provided; or
- (C) The surgeon is not an MCO panel provider.

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

Stat. Auth.: ORS 656.726(4)

Stats. Implemented: ORS 656.245; 656.248, 656.252

Hist.: WCD 3-2014, f. 3-12-14, cert. ef. 4-1-14

436-009-0025

Worker Reimbursement

(1) General.

(a) When the insurer accepts the claim the insurer must notify the worker in writing that:

(A) The insurer will reimburse claim-related services paid by the worker; and

(B) The worker has two years to request reimbursement.

(b) The worker must request reimbursement from the insurer in writing. The insurer may require reasonable documentation such as sales slip, receipt, or other evidence to support the request. The worker may use Form 3921 – Request for Reimbursement of Expenses.

(c) Insurers must date stamp requests for reimbursement on the date received.

(d) The insurer or its representative must provide a written explanation to the worker for each type of out-of-pocket expense (mileage, lodging, medication, etc.) being paid or denied.

(e) The explanation to the worker must be in 10 point size font or larger and must include:

(A) The amount of reimbursement for each type of out-of-pocket expense requested.

(B) The specific reason for non-payment, reduced payment, or discounted payment for each itemized out-of-pocket expense the worker submitted for reimbursement;

(C) An Oregon or toll-free phone number for the insurer or its representative, and a statement that the insurer or its representative must respond to a worker's reimbursement question within 48 hours, excluding weekends and legal holidays;

(D) The following notice, Web link, and phone number: "To access Bulletin 112 with information about reimbursement amounts for travel, food, and lodging costs visit www.oregonwcdoc.info or call 503-947-7606.";

(E) Space for the worker's signature and date; and

(F) A notice of right to administrative review as follows: "If you disagree with this decision about this payment, please contact {the insurer or its representative} first. If you are not satisfied with the response you receive, you may request administrative review by the Director of the Department of Consumer and Business Services. Your request for review must be made within 90 days of the mailing date of this explanation. To request review, sign and date in the space provided, indicate what you believe is incorrect about the payment, and mail this document with the required supporting documentation to the Workers' Compensation Division, Medical Resolution Team, PO Box 14480, Salem, OR 97309-0405. Or you may fax the request to the director at 503-947-7629. You must also send a copy of the request to the insurer. You should keep a copy of this document for your records."

(f) According to ORS 656.325(1)(f) and OAR 436-060-0095(5)(f), when a worker attends an independent medical examination (IME), the insurer must reimburse the worker for related costs regardless of claim acceptance, deferral, or denial.

(2) Timeframes.

(a) The worker must submit a request for reimbursement of claim-related costs by whichever date is later:

(A) Two years from the date the costs were incurred or

(B) Two years from the date the claim or medical condition is finally determined compensable.

(b) If the worker requests reimbursement after two years as listed in subsection (a), the insurer may disapprove the reimbursement request.

(c) On accepted claims the insurer must, within 30 days of receiving the reimbursement request:

(A) Reimburse the worker if the request shows the costs are related to the accepted claim;

(B) Disapprove the request if unreasonable or if the costs are not related to the accepted claim; or

(C) Request additional information from the worker to determine if costs are related to the accepted claim. If additional information is needed, the time needed to obtain the information is not counted in the 30 day time frame for the insurer to issue reimbursement.

(d) When the insurer receives a reimbursement request prior to claim acceptance, and the claim is ultimately accepted, by whichever date is later the insurer must:

(A) Within 30 days of receiving the reimbursement request: Reimburse the worker if the request shows the costs are related, Disapprove the request if unreasonable or if the costs are not related, or Request additional information. If additional information is needed, the time needed to obtain the information is not counted in the 30 day time frame for the insurer to issue reimbursement; or

(B) Within 14 days of claim acceptance: Reimburse the worker if the request shows the costs are related, Disapprove the request if unreasonable or if the costs are not related, or Request additional information. If additional information is needed, the time needed to obtain the information is not counted in the 14 day time frame for the insurer to issue reimbursement.

(e) In a claim for aggravation or a new medical condition, reimbursement requests are not due and payable until the aggravation or new medical condition is accepted.

(f) If the claim is denied, requests for reimbursement must be returned to the worker within 14 days.

(3) Meal and Lodging Reimbursement.

(a) Meal reimbursement is based on whether a meal is reasonably required by necessary travel to a claim-related appointment.

(b) Lodging reimbursement is based on the need for an overnight stay to attend an appointment.

(c) Meals and lodging are reimbursed at the actual cost or the rate published in Bulletin 112, whichever is less. Lodging reimbursement may exceed the maximum rate published in Bulletin 112 when special lodging is required or when the worker is unable to find lodging at or below the maximum rate within 10 miles of the appointment location.

(4) Travel Reimbursement.

(a) Insurers must reimburse workers for actual and reasonable costs for travel to medical providers paid by the worker under ORS 656.245(1)(e), 656.325, and 656.327.

(b) The insurer may limit worker reimbursement for travel to an attending physician if the insurer provides a written explanation and a written list of attending physicians that are closer for the worker, of the same specialty, and who are able and willing to provide similar medical services to the worker. The insurer may limit worker reimbursement for travel to an authorized nurse practitioner if the insurer provides a written explanation and a written list of authorized nurse practitioners that are closer for the worker, of the same specialty, and who are able and willing to provide similar medical services to the worker. The insurer must inform the worker that he or she may continue treating with the established attending physician or authorized nurse practitioner; however, reimbursement of transportation costs may be limited to the distance from the worker's home to a provider on the written list.

(c) Within a metropolitan area the insurer may not limit worker reimbursement for travel to an attending physician or authorized nurse practitioner even if there are medical providers closer to the worker.

(d) Travel reimbursement dispute decisions will be based on principles of reasonableness and fairness within the context of the specific case circumstances as well as the spirit and intent of the law.

(e) Personal vehicle mileage is the reasonable actual distance based on the beginning and ending addresses. The mileage reimbursement is limited to the rate published in Bulletin 112.

(f) Public transportation or, if required, special transportation will be reimbursed based on actual cost.

(5) Other Reimbursements.

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(a) The insurer must reimburse the worker for prescriptions and other claim-related expenses based on actual cost. However, reimbursement for hearing aids is limited to the amounts listed in OAR 436-009-0080.

(b) For IMEs, child care costs are reimbursed at the rate prescribed by the State of Oregon Department of Human Services.

(6) Advancement Request. If necessary to attend a medical appointment, the worker may request an advance for transportation and lodging expenses. Such a request must be made to the insurer in sufficient time to allow the insurer to process the request.

Stat. Auth.: ORS 656.245, 656.704 & 656.726(4)

Stats. Implemented: ORS 656.245, 656.704 & 656.726(4)

Hist.: WCB 6-1969, f. 10-23-69, ef. 10-29-69; WCD 1-1980(Admin), f. & ef. 1-11-80; WCD 6-1981(Admin), f. 12-23-81, ef. 1-1-82; WCD 8-1983(Admin), f. 12-29-83, ef. 1-1-84; Renumbered from 436-054-0270, 5-1-85; WCD 8-1985(Admin), f. 12-12-85, ef. 1-1-86; WCD 4-1987, f. 12-18-87, ef. 1-1-88; WCD 6-1989, f. 12-22-89, cert. ef. 1-1-90; WCD 29-1990, f. 11-30-90, cert. ef. 12-26-90; WCD 1-1992, f. 1-3-92, cert. ef. 2-1-92; WCD 5-1996, f. 2-6-96, cert. ef. 2-12-96; WCD 13-2001, f. 12-17-01, cert. ef. 1-1-02, Renumbered from 436-060-0070; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 3-2006, f. 3-14-06, cert. ef. 4-1-06; WCD 2-2007, f. 5-23-07, cert. ef. 7-1-07; WCD 3-2010, f. 5-28-10, cert. ef. 7-1-10; WCD 2-2013, f. 3-11-13, cert. ef. 4-1-13; WCD 3-2014, f. 3-12-14, cert. ef. 4-1-14

436-009-0030

Insurer's Duties and Responsibilities

(1) General.

(a) The insurer must pay for medical services related to a compensable injury claim, except as provided by OAR 436-060-0055.

(b) The insurer, or its designated agent, may request from the medical provider, any and all necessary records needed to review accuracy of billings. The medical provider may charge an appropriate fee for copying documents under OAR 436-009-0060. If the evaluation of the records must be conducted on-site, the provider must furnish a reasonable work-site for the records to be reviewed at no cost. These records must be provided or made available for review within 14 days of a request.

(c) The insurer must establish an audit program for bills for all medical services to determine that the bill reflects the services provided, that appropriate prescriptions and treatment plans are completed in a timely manner, that payments do not exceed the maximum fees adopted by the director, and that bills are submitted in a timely manner. The audit must be continuous and must include no fewer than 10 percent of medical bills. The insurer must provide upon request documentation establishing that the insurer is conducting a continuous audit of medical bills. This documentation must include, but not be limited to, medical bills, internal audit forms, and any medical charge summaries prepared by private medical audit companies.

(2) Bill Processing.

(a) Insurers must date stamp medical bills, chart notes, and other documentation upon receipt. Bills not submitted according to OAR 436-009-0010(1)(b) and (2) must be returned to the medical provider within 20 days of receipt of the bill with a written explanation describing why the bill was returned and what needs to be corrected. A request for chart notes on EDI billings must be made to the medical provider within 20 days of the receipt of the bill. The number of days between the date the insurer returns the bill or requests chart notes and the date the insurer receives the corrected bill or chart notes, does not count toward the 45 days within which the insurer is required to make payment.

(b) The insurer must retain a copy of each medical provider's bill received by the insurer or must be able to reproduce upon request data relevant to the bill, including but not limited to, provider name, date of service, date the insurer received the bill, type of service, billed amount, coding submitted by the medical provider as described in OAR 436-009-0010(1)(b) and (3)(a), and insurer action, for any non-payment or fee reduction. This includes all bills submitted to the insurer even when the insurer determines no payment is due.

(c) Any service billed with a code number commanding a higher fee than the services provided must be returned to the medical provider for correction or paid at the value of the service provided.

(3) Payment Requirements.

(a) Insurers must pay bills for medical services on accepted claims within 45 days of receipt of the bill, if the bill is submitted in proper form according to OAR 436-009-0010(1)(b), (3)(a) through (7)(c), and clearly shows that the treatment is related to the accepted compensable injury or disease.

(b) The insurer or its representative must provide a written explanation of benefits (EOB) of the services being paid or denied. If the billing is done electronically, the insurer or its representative may provide this explanation electronically. The insurer or its representative must send the explanation to the medical provider that billed for the services. For the purpose

of this rule an explanation of benefits (EOB) has the same meaning as an explanation of review (EOR).

(c) The written explanation of benefits (EOB) must be in 10 point size font or larger. Electronic and written explanations must include:

(A) The amount of payment for each service billed. When the payment covers multiple patients, the explanation must clearly separate and identify payments for each patient;

(B) The specific reason for non-payment, reduced payment, or discounted payment for each service billed;

(C) An Oregon or toll-free phone number for the insurer or its representative, and a statement that the insurer or its representative must respond to a medical provider's payment question within 48 hours, excluding weekends and legal holidays;

(D) The following notice, Web link, and phone number: "To access information about Oregon's Medical Fee and Payment Rules, visit www.oregonwcdoc.info or call 503-947-7606.";

(E) Space for the provider's signature and date; and

(F) A notice of right to administrative review as follows: "If you disagree with this decision about this payment, please contact {the insurer or its representative} first. If you are not satisfied with the response you receive, you may request administrative review by the Director of the Department of Consumer and Business Services. Your request for review must be made within 90 days of the mailing date of this explanation. To request review, sign and date in the space provided, indicate what you believe is incorrect about the payment, and mail this document with the required supporting documentation to the Workers' Compensation Division, Medical Resolution Team, PO Box 14480, Salem, OR 97309-0405. Or you may fax the request to the director at 503-947-7629. You must also send a copy of the request to the insurer. You should keep a copy of this document for your records."

(d) Payment of medical bills is required within 14 days of any action causing the service to be payable, or within 45 days of the insurer's receipt of the bill, whichever is later.

(e) Failure to pay for medical services timely may render the insurer liable to pay a reasonable monthly service charge for the period payment was delayed, if the provider customarily applies such a service charge to the general public.

(f) When there is a dispute over the amount of a bill or the appropriateness of services rendered, the insurer must, within 45 days, pay the undisputed portion of the bill and at the same time provide specific reasons for non-payment or reduction of each medical service code.

(g) Bills for medical services rendered at the request of the insurer and bills for information submitted at the request of the insurer, which are in addition to those required in OAR 436-010-0240 must be paid within 45 days of receipt by the insurer even if the claim is denied.

(h) If an insurer determines that they have made an overpayment to a provider for medical services, the insurer may request a refund from the provider. The insurer must make the request within 180 days of the payment date. Resolution of overpayment disputes must be made under OAR 436-009-0008.

(4) Communication with Providers.

(a) The insurer or its representative must respond to a medical provider's inquiry about a medical payment within 48 hours, not including weekends or legal holidays. The insurer or its representative may not refer the medical provider to another entity to obtain an answer.

(b) An insurer or its representative and a medical provider may agree to send and receive payment information by email or other electronic means. Electronic records sent are subject to the Oregon Consumer Identity Theft Protection Act under ORS 646A.600 to 646A.628 and federal law.

(5) EDI Reporting. For medical bill reporting requirements, see OAR 436-160 Electronic Data Interchange Medical Bill Data rules.

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

Stat. Auth.: ORS 656.726(4)

Stats. Implemented: ORS 656.252, 656.325, 656.245, 656.248, 656.260 & 656.264

Hist.: WCD 12-1996, f. 5-6-96, cert. ef. 6-1-96; WCD 20-1996, f. 10-2-96, cert. ef. 1-1-97; WCD 5-1997, f. 4-21-97, cert. ef. 7-1-97; WCD 5-1998, f. 4-3-98, cert. ef. 7-1-98; WCD 9-1999, f. 5-27-99, cert. ef. 7-1-99; WCD 2-2000, f. 3-15-00, cert. ef. 4-1-00; WCD 3-2002, f. 2-25-02, cert. ef. 4-1-02; WCD 6-2003, f. 5-28-03, cert. ef. 7-1-03; WCD 3-2004, f. 3-5-04, cert. ef. 4-1-04; WCD 2-2005, f. 3-24-05, cert. ef. 4-1-05; WCD 3-2006, f. 3-14-06, cert. ef. 4-1-06; WCD 2-2007, f. 5-23-07, cert. ef. 7-1-07; WCD 10-2007, f. 11-1-07, cert. ef. 1-1-08; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 3-2008(Temp), f. & cert. ef. 7-7-08 thru 1-2-09; WCD 5-2008, f. 12-15-08, cert. ef. 1-1-09; WCD 1-2009, f. 5-22-09, cert. ef. 7-1-09; WCD 3-2010, f. 5-28-10, cert. ef. 7-1-10; WCD 6-2010, f. 10-1-10, cert. ef. 1-1-11; WCD 1-2011, f. 3-1-11, cert. ef. 4-1-11; WCD 1-2012, f. 2-16-12, cert. ef. 4-1-12; WCD 2-2013, f. 3-11-13, cert. ef. 4-1-13; WCD 3-2014, f. 3-12-14, cert. ef. 4-1-14

ADMINISTRATIVE RULES

436-009-0035

Interim Medical Benefits

(1) Interim medical benefits cover the patient's co-pays and deductibles for certain services on denied workers' compensation claims. These benefits only apply when the patient has a health benefit plan(s), i.e., the patient's private health insurance(s). For the purpose of this rule the Oregon Health Plan is not a health benefit plan.

(2) Interim medical benefits are not due on claims:

(a) When the patient is enrolled in an MCO prior to claim acceptance under ORS 656.245(4)(b)(B); or

(b) When the insurer denies the claim within 14 days of the employer's notice.

(3) Interim medical benefits cover services provided from the date of injury to the date the insurer denies the claim and include:

(a) Diagnostic services required to identify appropriate treatment or prevent disability;

(b) Medication required to alleviate pain; and

(c) Services required to stabilize the patient's claimed condition and to prevent further disability. Examples of such services may include, but are not limited to: antibiotic or anti-inflammatory medication; physical therapy and other conservative therapies; and necessary surgical procedures.

(4) The medical provider must bill the workers' compensation insurer according to these rules, and the health benefit plan according to the plan's requirements.

(5) The insurer must notify the medical provider when an initial claim is denied.

(6) Once the claim is denied, the medical provider must bill the health benefit plan and include a copy of the workers' compensation denial letter.

(7) After the health benefit plan issues payment, the medical provider should bill the workers' compensation insurer, according to these rules, for the remaining balance. The medical provider must include a copy of the health benefit plan's explanation of benefits (EOB) with the bill. For the purpose of this rule an explanation of benefits (EOB) has the same meaning as an explanation of review (EOR).

(8) If the medical provider knows that the patient filed a work related claim, the medical provider may not collect any health benefit plan co-pay from the patient.

(9) Once the workers' compensation insurer receives the bill with the health plan's explanation of benefits (EOB), they have 45 days to pay any amount not paid by the health plan up to the workers' compensation fee schedule.

Stat. Auth.: ORS 656.245, 656.704, 656.726(4)

Stats. Implemented: ORS 656.247

Hist.: WCD 13-2001, f. 12-17-01, cert. ef. 1-1-02; WCD 3-2006, f. 3-14-06, cert. ef. 4-1-06; WCD 5-2008, f. 12-15-08, cert. ef. 1-1-09; WCD 3-2014, f. 3-12-14, cert. ef. 4-1-14

436-009-0040

Fee Schedule

(1) Fee Schedule Table.

(a) Unless otherwise provided by contract or fee discount agreement permitted by these rules, insurers must pay according to the following table: [Appendix not included. See ED. NOTE.]

(b) The global period is listed in the column 'Global Days' of Appendix B.

(2) Anesthesia.

(a) When using the American Society of Anesthesiologists Relative Value Guide, a basic unit value is determined by reference to the appropriate anesthesia code. The total anesthesia value is made up of a basic unit value and, when applicable, time and modifying units.

(b) Physicians or certified nurse anesthetists may use basic unit values only when they personally administer the general anesthesia, and remain in constant attendance during the procedure for the sole purpose of providing the general anesthesia.

(c) Attending surgeons may not add time units to the basic unit value when administering local or regional block for anesthesia during a procedure. The modifier 'NT' (no time) must be on the bill.

(d) Local infiltration, digital block, or topical anesthesia administered by the operating surgeon is included in the payment for the surgical procedure.

(e) In calculating the units of time, use 15 minutes per unit. If a medical provider bills for a portion of 15 minutes, round the time up to the next 15 minutes and pay one unit for the portion of time.

(f) The maximum allowable payment amount for anesthesia codes is determined by multiplying the anesthesia value by a conversion factor of \$58.00.

(A) Unless otherwise provided by contract or fee discount agreement permitted by these rules, the insurer must pay the lesser of: The maximum allowable payment amount for anesthesia codes; or The provider's usual fee.

(g) When the anesthesia code is designated by IC (individual consideration), unless otherwise provided by a contract or fee discount agreement, the insurer must pay 80 percent of the provider's usual fee.

(3) Surgery. Unless otherwise provided by contract or fee discount agreement permitted by these rules, insurers must pay multiple surgical procedures performed in the same session according to the following:

(a) One surgeon: [Appendix not included. See ED. NOTE.]

(b) Two or more surgeons: [Appendix not included. See ED. NOTE.]

(c) Assistant surgeons: [Appendix not included. See ED. NOTE.]

(d) Nurse practitioners or physician assistants: [Appendix not included. See ED. NOTE.]

(e) Self-employed surgical assistants who work under the direct control and supervision of a physician. [Appendix not included. See ED. NOTE.]

(f) When a surgeon performs surgery following severe trauma, and the surgeon does not think the fees should be reduced under the multiple surgery rule, the surgeon may request special consideration by the insurer. The surgeon must provide written documentation and justification. Based on the documentation, the insurer may pay for each procedure at 100 percent.

(g) If the surgery is non-elective, the physician is entitled to payment for the initial evaluation of the patient in addition to the global fee for the surgical procedure(s) performed. However, the pre-operative visit for elective surgery is included in the listed global value of the surgical procedure, even if the pre-operative visit is more than one day before surgery.

(4) Radiology Services.

(a) Insurers only have to pay for x-ray films of diagnostic quality that include a report of the findings. Insurers will not pay for 14" x 36" lateral views.

(b) When multiple contiguous areas are examined by computerized axial tomography (CAT) scan, computerized tomography angiography (CTA), magnetic resonance angiography (MRA), or magnetic resonance imaging (MRI); then the technical component must be paid 100 percent for the first area examined, 50 percent for the second area, and 25 percent for all subsequent areas. These reductions do not apply to the professional component. The reductions apply to multiple studies done within two days, unless the ordering provider provides a reasonable explanation of why the studies needed to be done on separate days.

(5) Pathology and Laboratory Services.

(a) The payment amounts in Appendix B apply only when there is direct physician involvement.

(b) Laboratory fees must be billed in accordance with ORS 676.310. If a physician submits a bill for laboratory services that were performed in an independent laboratory, the bill must show the amount charged by the laboratory and any service fee that the physician charges.

(6) Physical Medicine and Rehabilitation Services.

(a) Time-based CPT codes must be billed and paid according to this table: [Appendix not included. See ED. NOTE.]

(b) Except for CPT® codes 97001, 97002, 97003, or 97004, payment for modalities and therapeutic procedures is limited to a total of three separate CPT®-coded services per day for each provider, identified by their federal tax ID number. An additional unit of time for the same CPT® code does not count as a separate code.

(c) CPT® codes 97032, 97033, 97034, 97035, 97036, and 97039 are time based codes and require constant attendance. Chart notes must clearly indicate the time treatment begins and the time treatment ends for the day or the amount of time spent providing the treatment.

(d) CPT® codes 97010 through 97028 are not payable unless they are performed in conjunction with other procedures or modalities which require constant attendance or knowledge and skill of the licensed medical provider.

(e) When multiple treatments are provided simultaneously by one machine, device, or table there must be a notation on the bill that treatments were provided simultaneously by one machine, device, or table and there must be only one charge.

(7) Reports.

(a) Except as otherwise provided in OAR 436-009-0060, when an insurer asks a medical provider to prepare a report, or review records or reports, the medical provider should bill for their report or review of the records using CPT® codes such as 99080. The bill should include documentation of time spent reviewing the records or reports.

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(b) If the insurer asks the medical service provider to review the IME report and respond, the medical service provider must bill for the time spent reviewing and responding using OSC D0019. The bill should include documentation of time spent.

(8) Nurse Practitioners and Physician Assistants. Services provided by authorized nurse practitioners, physician assistants, or out-of-state nurse practitioners must be paid at 85 percent of the amount calculated in section (1) of this rule.

[ED. NOTE: Appendices referenced are available from the agency.]
Stat. Auth.: ORS 656.726(4)
Stats. Implemented: ORS 656.248
Hist.: WCD 9-1999, f. 5-27-99, cert. ef. 7-1-99; WCD 2-2000, f. 3-15-00, cert. ef. 4-1-00; WCD 2-2001, f. 3-8-01, cert. ef. 4-1-01; WCD 3-2002, f. 2-25-02 cert. ef. 4-1-02; WCD 6-2003, f. 5-28-03, cert. ef. 7-1-03; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 2-2005, f. 3-24-05, cert. ef. 4-1-05; WCD 3-2006, f. 3-14-06, cert. ef. 4-1-06; WCD 2-2007, f. 5-23-07, cert. ef. 7-1-07; WCD 10-2007, f. 11-1-07, cert. ef. 1-1-08; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 3-2008(Temp), f. & cert. ef. 7-7-08 thru 1-2-09; WCD 5-2008, f. 12-15-08, cert. ef. 1-1-09; WCD 1-2009, f. 5-22-09, cert. ef. 7-1-09; WCD 3-2010, f. 5-28-10, cert. ef. 7-1-10; WCD 1-2011, f. 3-1-11, cert. ef. 4-1-11; WCD 1-2012, f. 2-16-12, cert. ef. 4-1-12; WCD 2-2013, f. 3-11-13, cert. ef. 4-1-13; WCD 3-2014, f. 3-12-14, cert. ef. 4-1-14

436-009-0060

Oregon Specific Codes

(1) Multidisciplinary Services.

(a) Services provided by multidisciplinary programs not otherwise described by CPT® codes must be billed under Oregon specific codes.

(b) When an attending physician or authorized nurse practitioner approves a multidisciplinary treatment program for a patient, he or she must provide the insurer with a copy of the approved treatment program within 14 days of the beginning of the treatment program.

(c) Bills using the multidisciplinary codes must include copies of the treatment record which specifies:

- (A) The type of service rendered,
- (B) The medical provider who provided the service,
- (C) Whether treatment was individualized or provided in a group session, and
- (D) The amount of time treatment was rendered for each service billed.

(2) Table of all Oregon Specific Codes; [Table not included. See ED. NOTE.]

(3) CARF / JCAHO Accredited Programs.

(a) Treatment in a chronic pain management program, physical rehabilitation program, work hardening program, or a substance abuse program shall not be paid unless the program is accredited for that purpose by the Commission on Accreditation of Rehabilitation Facilities (CARF) or the Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

(b) Organizations which have applied for CARF accreditation, but have not yet received such accreditation, may receive payment for multidisciplinary programs upon providing evidence to the insurer that an application for accreditation has been filed with and acknowledged by CARF. Such organizations may provide multidisciplinary services under this section for a period of up to six months from the date CARF provided notice to the organization that the accreditation process has been initiated, or until such time as CARF accreditation has been received or denied, whichever occurs first.

(c) Notwithstanding OAR 436-009-0010(4)(a), program fees for services within a multidisciplinary program may be used based upon written pre-authorization from the insurer. Programs must identify the extent, frequency, and duration of services to be provided. (d) All job site visits and ergonomic consultations must be preauthorized by the insurer.

[ED. NOTE: Tables referenced are available from the agency.]
Stat. Auth.: ORS 656.726(4)
Stats. Implemented: ORS 656.248
Hist.: WCD 9-1999, f. 5-27-99, cert. ef. 7-1-99; WCD 2-2001, f. 3-8-01, cert. ef. 4-1-01; WCD 3-2002, f. 2-25-02 cert. ef. 4-1-02; WCD 6-2003, f. 5-28-03, cert. ef. 7-1-03; WCD 14-2003(Temp), f. 12-15-03, cert. ef. 1-1-04 thru 6-28-04; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 3-2006, f. 3-14-06, cert. ef. 4-1-06; WCD 1-2009, f. 5-22-09, cert. ef. 7-1-09; WCD 3-2010, f. 5-28-10, cert. ef. 7-1-10; 2010, f. 5-28-10, cert. ef. 7-1-10; WCD 1-2011, f. 3-1-11, cert. ef. 4-1-11; WCD 2-2013, f. 3-11-13, cert. ef. 4-1-13; WCD 3-2014, f. 3-12-14, cert. ef. 4-1-14

436-009-0080

Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS)

(1) Durable medical equipment (DME) is equipment that: Is primarily and customarily used to serve a medical purpose, Can withstand repeated use, Could normally be rented and used by successive patients, Is appropriate for use in the home, and Is not generally useful to a person in the absence of an illness or injury.

Examples: Transcutaneous Electrical Nerve Stimulation (TENS), MicroCurrent Electrical Nerve Stimulation (MENS), home traction devices, heating pads, reusable

hot/cold packs, etc.

(2) A prosthetic is an artificial substitute for a missing body part or any device aiding performance of a natural function. Examples: hearing aids, eye glasses, crutches, wheelchairs, scooters, artificial limbs, etc.

(3) An orthosis is an orthopedic appliance or apparatus used to support, align, prevent or correct deformities, or to improve the function of a moveable body part. Examples: brace, splint, shoe insert or modification, etc.

(4) Supplies are materials that may be reused multiple times by the same person, but a single supply is not intended to be used by more than one person, including, but not limited to incontinent pads, catheters, bandages, elastic stockings, irrigating kits, sheets, and bags.

(5) When billing for durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS), providers must use the following modifiers, when applicable:

- (a) NU for purchased, new equipment
- (b) UE for purchased, used equipment
- (c) RR for rented equipment

(6) Unless otherwise provided by contract or sections (7) through (11), insurers must pay for DMEPOS according to the following table: [Table not included. See ED. NOTE.]

(7) Unless a contract establishes a different rate, the table below lists maximum monthly rental rates for the codes listed (do not use Appendix E or section (6) to determine the rental rates for these codes): [Table not included. See ED. NOTE.]

(8) For items rented, unless otherwise provided by contract:

(a) The maximum daily rental rate is one thirtieth (1/30) of the monthly rate established in sections (6) and (7) of this rule.

(b) After a rental period of 13 months, the item is considered purchased, if the insurer so chooses.

(c) The insurer may purchase a rental item anytime within the 13 month rental period, with 75 percent of the rental amount paid applied towards the purchase.

(9) For items purchased, unless otherwise provided by contract, the insurer must pay for labor and reasonable expenses at the provider's usual rate for:

(a) Any labor and reasonable expenses directly related to any repairs or modifications subsequent to the initial set up; or

(b) The provider may offer a service agreement at an additional cost.

(10) Hearing aids must be prescribed by the attending physician, authorized nurse practitioner, or specialist physician. Testing must be done by a licensed audiologist or an otolaryngologist. The preferred types of hearing aids for most patients are programmable behind the ear (BTE), in the ear (ITE), and completely in the canal (CIC) multichannel. Any other types of hearing aids needed for medical conditions will be considered based on justification from the attending physician or authorized nurse practitioner. Unless otherwise provided by contract, insurers must pay the provider's usual fee for hearing services billed with HCPCS codes V5000 through V5999. However, without approval from the insurer or director, the payment for hearing aids may not exceed \$5000 for a pair of hearing aids, or \$2500 for a single hearing aid.

(11) Unless otherwise provided by contract, insurers must pay the provider's usual fee for vision services billed with HCPCS codes V0000 through V2999.

(12) The worker may select the service provider. For claims enrolled in a managed care organization (MCO) the worker may be required to select a provider from a list specified by the MCO.

(13) Except as provided in section (10) of this rule, the payment amounts established by this rule do not apply to a worker's direct purchase of DMEPOS. Workers are entitled to reimbursement for actual out-of-pocket expenses under OAR 436-009-0025.

(14) DMEPOS dispensed by a hospital (inpatient or outpatient) must be billed and paid according to OAR 436-009-0020.

[ED. NOTE: Tables & appendices referenced are available from the agency.]
Stat. Auth.: ORS 656.726(4)
Stats. Implemented: ORS 656.248

Hist.: WCD 9-1999, f. 5-27-99, cert. ef. 7-1-99; WCD 2-2001, f. 3-8-01, cert. ef. 4-1-01; WCD 3-2002, f. 2-25-02 cert. ef. 4-1-02; WCD 14-2003(Temp), f. 12-15-03, cert. ef. 1-1-04 thru 6-28-04; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 2-2005, f. 3-24-05, cert. ef. 4-1-05; WCD 3-2006, f. 3-14-06, cert. ef. 4-1-06; WCD 2-2007, f. 5-23-07, cert. ef. 7-1-07; WCD 5-2008, f. 12-15-08, cert. ef. 1-1-09; WCD 1-2011, f. 3-1-11, cert. ef. 4-1-11; WCD 4-2011(Temp), f. 6-30-11, cert. ef. 7-5-11 thru 12-31-11; WCD 5-2011, f. 11-18-11, cert. ef. 1-1-12; WCD 1-2012, f. 2-16-12, cert. ef. 4-1-12; WCD 2-2012(Temp), f. 4-13-12, cert. ef. 4-23-12 thru 10-19-12; WCD 4-2012, f. 9-21-12, cert. ef. 10-20-12; WCD 3-2014, f. 3-12-14, cert. ef. 4-1-14

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436-009-0090

Pharmaceutical

(1) General.

(a) Unless otherwise provided by an MCO contract, prescription medications do not require prior approval even after the patient is medically stationary.

(b) When a provider prescribes a brand-name drug, pharmacies must dispense the generic drug (if available), according to ORS 689.515. However, a patient may insist on receiving the brand-name drug and pay the total cost of the brand-name drug out of pocket.

(c) Unless otherwise provided by MCO contract, the patient may select the pharmacy.

(2) Pharmaceutical Billing and Payment.

(a) Pharmaceutical billings must contain the National Drug Code (NDC) to identify the drug or biological billed.

(b) Unless otherwise provided by contract, insurers must pay medical providers for prescription medication, including injectable drugs, at the medical provider's usual fee, or the maximum allowable fee, whichever is less. However, drugs provided by a hospital (inpatient or outpatient) must be billed and paid according to OAR 436-009-0020.

(c) Unless directly purchased by the worker (see section 0025(5) of these rules), the maximum allowable fee for pharmaceuticals is calculated according to the following table: [Table not included. See ED. NOTE.] (Note: "AWP" means the Average Wholesale Price effective on the date the drug was dispensed.)

(d) Insurers must use a nationally published prescription pricing guide for calculating payments to the provider, e.g., First DataBank, RED BOOK, or Medi-Span.

(3) Clinical Justification Form 4909.

(a) The prescribing provider must fill out Form 4909, Pharmaceutical Clinical Justification for Workers' Compensation, and submit it to the insurer when prescribing more than a five day supply of the following drugs:

- (A) Celebrex®,
- (B) Cymbalta®,
- (C) Fentora®,
- (D) Kadian®,
- (E) Lidoderm®,
- (F) Lyrica®, or
- (G) OxyContin®.

(b) Insurers may not challenge the adequacy of the clinical justification. However, they can challenge whether or not the medication is excessive, inappropriate, or ineffectual under ORS 656.327.

(c) The prescribing provider is not required to fill out Form 4909 for refills of medications listed on that form.

(4) Dispensing by Medical Service Providers.

(a) Except in an emergency, prescription drugs for oral consumption dispensed by a physician's or authorized nurse practitioner's office are compensable only for the initial supply to treat the patient, up to a maximum of 10 days.

(b) For dispensed over-the-counter medications, the insurer must pay the retail-based fee.

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

Stat. Auth.: ORS 656.726(4)

Stats. Implemented: ORS 656.248

Hist.: WCD 9-1999, f. 5-27-99, cert. ef. 7-1-99; WCD 2-2001, f. 3-8-01, cert. ef. 4-1-01; WCD 3-2002, f. 2-25-02 cert. ef. 4-1-02; WCD 6-2003, f. 5-28-03, cert. ef. 7-1-03; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 2-2005, f. 3-24-05, cert. ef. 4-1-05; WCD 3-2006, f. 3-14-06, cert. ef. 4-1-06; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 3-2008(Temp), f. 3 & cert. ef. 7-7-08 thru 1-2-09; WCD 5-2008, f. 12-15-08, cert. ef. 1-1-09; WCD 1-2009, f. 5-22-09, cert. ef. 7-1-09; WCD 1-2011, f. 3-1-11, cert. ef. 4-1-11; WCD 1-2012, f. 2-16-12, cert. ef. 4-1-12; WCD 3-2014, f. 3-12-14, cert. ef. 4-1-14

436-009-0110

Interpreters

(1) Choosing an Interpreter. A patient may choose a person to communicate with a medical provider when the patient and the medical provider speak different languages, including sign language. The patient may choose a family member, a friend, an employee of the medical provider, or an interpreter. The medical provider may disapprove of the patient's choice at any time the medical provider feels the interpreter services are not improving communication with the patient, or feels the interpretation is not complete or accurate.

(2) Billing.

(a) Interpreters must charge the usual fee they charge to the general public for the same service.

(b) Interpreters may only bill an insurer or, if provided by contract, a managed care organization. However, if the insurer denies the claim, interpreters may bill the patient.

(c) Interpreters may bill for interpreter services, and for mileage when the round-trip mileage is 15 or more miles. For the purpose of this rule "mileage" means the number of miles traveling from the interpreter's starting point to the exam or treatment location.

(d) If the interpreter arrives at the provider's office for an appointment that was required by the insurer or the director, e.g., an independent medical exam, a physician review exam, or an arbiter exam, the interpreter may bill for interpreter services and mileage according to section (2)(c) of this rule even if:

(A) The patient fails to attend the appointment; or

(B) The provider has to cancel or reschedule the appointment.

(e) If interpreters do not know the workers' compensation insurer responsible for the claim, they may contact the Department of Consumer and Business Services' Workers' Compensation Division at 503-947-7814. They may also access insurance policy information at <http://www4.cbs.state.or.us/ex/wcd/cov/index.cfm>.

(3) Billing and Payment Limitations.

(a) When an appointment was not required by the insurer or director, interpreters may not bill any amount for interpreter services or mileage if:

(A) The patient fails to attend the appointment; or

(B) The provider cancels or reschedules the appointment.

(b) The insurer is not required to pay for interpreter services or mileage when the services are provided by:

(A) A family member or friend of the patient; or

(B) A medical provider's employee.

(4) Billing Timelines.

(a) Interpreters must bill within:

(A) 60 days of the date of service;

(B) 60 days after the interpreter has received notice or knowledge of the responsible workers' compensation insurer or processing agent; or

(C) 60 days after any litigation affecting the compensability of the service is final, if the interpreter receives written notice of the final litigation from the insurer.

(b) If the interpreter bills past the timelines outlined in subsection (a) of this section, the provider may be subject to civil penalties as provided in ORS 656.254 and OAR 436-010-0340.

(c) When submitting a bill later than outlined in subsection (a) of this section, an interpreter must establish good cause. Good cause may include, but is not limited to, such issues as extenuating circumstances or circumstances considered outside the control of the interpreter.

(d) A bill is considered sent by the date the envelope is post-marked or the date the document is faxed.

(5) Billing Form.

(a) Interpreters must use an invoice when billing for interpreter services and mileage and use Oregon specific code: D0004 for interpreter services except American Sign Language, D0005 for American Sign Language interpreter services, and D0041 for mileage.

(b) An interpreter's invoice must include:

(A) The interpreter's name, the interpreter's company name, if applicable, billing address, and phone number;

(B) The patient's name;

(C) The patient's workers' compensation claim number, if known;

(D) The correct Oregon specific codes for the billed services (D0004 or D0041);

(E) The workers' compensation insurer's name and address;

(F) The date interpreter services were provided;

(G) The name and address of the medical provider that conducted the exam or provided treatment;

(H) The total amount of time interpreter services were provided; and

(I) The mileage, if the round trip was 15 or more miles.

(6) Payment Calculations.

(a) Unless otherwise provided by contract, insurers must pay the lesser of the maximum allowable payment amount or the interpreter's usual fee.

(b) Insurers must use the following table to calculate the maximum allowable payment for interpreters: [Table not included. See ED. NOTE.]

(7) Payment Requirements.

(a) When the medical exam or treatment is for an accepted claim or condition, the insurer must pay for interpreter services and mileage if the round-trip mileage is 15 or more miles.

(b) When the patient fails to attend or the provider cancels or reschedules a medical exam required by the director or the insurer, the insurer must

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pay the no show fee and mileage if the round-trip mileage is 15 or more miles.

(c) The insurer must pay the interpreter within:

(A) 14 days of the date of claim acceptance or any action causing the service to be payable, or 45 days of receiving the invoice, whichever is later; or

(B) 45 days of receiving the invoice for an exam required by the insurer or director.

(d) When an interpreter bills within 12 months of the date of service, the insurer may not reduce payment due to late billing.

(e) When an interpreter bills over 12 months after the date of service, the bill is not payable, except when a provision of subsection (4)(c) of this rule is the reason the billing was submitted after 12 months.

(f) If the insurer does not receive all the information to process the invoice, the insurer must return the invoice to the interpreter within 20 days of receipt. The insurer must provide specific information about what is needed to process the invoice.

(g) When there is a dispute over the amount of a bill or the appropriateness of services rendered, the insurer must, within 45 days, pay the undisputed portion of the bill and at the same time provide specific reasons for non-payment or reduction of each service billed.

(h) The insurer must provide a written explanation of benefits for services paid or denied and must send the explanation to the interpreter that billed for the services. If the billing is done electronically, the insurer or its representative may provide this explanation electronically. All the information on the written explanation must be in 10 point size font or larger.

(i) Electronic and written explanations must include:

(A) The payment amount for each service billed. When the payment covers multiple patients, the explanation must clearly separate and identify payments for each patient;

(B) The specific reason for non-payment, reduced payment, or discounted payment for each service billed;

(C) An Oregon or toll-free phone number for the insurer or its representative, and a statement that the insurer or its representative must respond to an interpreter's payment questions within 48 hours, excluding weekends and legal holidays;

(D) The following notice, Web link, and phone number: "To access the information about Oregon's Medical Fee and Payment rules, visit www.oregonwcdoc.info or call 503-947-7606";

(E) Space for a signature and date; and

(F) A notice of the right to administrative review as follows: "If you disagree with this decision about this payment, please contact {the insurer or its representative} first. If you are not satisfied with the response you receive, you may request administrative review by the Director of the Department of Consumer and Business Services. Your request for review must be made within 90 days of the mailing date of this explanation. To request review, sign and date in the space provided, indicate what you believe is incorrect about the payment, and mail this document with the required supporting documentation to the Workers' Compensation Division, Medical Resolution Team, PO Box 14480, Salem, OR 97309-0405. Or you may fax the request to the director at 503-947-7629. You must also send a copy of the request to the insurer. You should keep a copy of this document for your records."

(j) The insurer or its representative must respond to an interpreter's inquiry about payment within 48 hours, not including weekends or legal holidays. The insurer or its representative may not refer the interpreter to another entity to obtain the answer.

(k) The insurer or its representative and an interpreter may agree to send and receive payment information by email or other electronic means. Electronic records sent are subject to the Oregon Consumer Identity Theft Protection Act under ORS 646A.600 to 646A.628 and federal law.

Stat. Auth.: ORS 656.726(4)

Stats. Implemented: ORS 656.245, 656.248

Hist.: WCD 3-2010, f. 5-28-10, cert. ef. 7-1-10; WCD 1-2012, f. 2-16-12, cert. ef. 4-1-12; WCD 2-2013, f. 3-11-13, cert. ef. 4-1-13; WCD 3-2014, f. 3-12-14, cert. ef. 4-1-14

436-009-0998

Sanctions and Civil Penalties

(1) The director may impose sanctions upon a medical provider or insurer for violation of these rules in accordance with OAR 436-010-0340.

(2) If an insurer applies a contract or fee discount agreement to a provider's bill that is incorrect, the insurer must pay the provider's bill at the provider's usual fee or according to the fee schedule, whichever is less, and the insurer may be subject to a civil penalty.

(3) Although insurers may contract with provider networks for certain services, the insurer is responsible for their own actions as well as the

actions of others acting on the insurer's behalf. If an insurer or someone acting on the insurer's behalf violates any provisions of these rules, the director may impose a civil penalty against the insurer.

(4) If the director finds a pattern and practice, or an egregious violation of applying incorrect discounts to providers' fees under these rules, by an insurer or someone acting on the insurer's behalf, the director may issue a civil penalty up to the amount allowed under ORS chapter 656.

(5) If a prescribing provider fails to submit Form 4909, Pharmaceutical Clinical Justification for Workers' Compensation, to the insurer, in accordance with OAR 436-009-0090(3)(a), the insurer may file a complaint with the director.

Stat. Auth.: ORS 656.726(4)

Stats. Implemented: ORS 656.245, 656.254, 656.745

Hist.: WCD 12-1996, f. 5-6-96, cert. ef. 6-1-96; WCD 20-1996, f. 10-2-96, cert. ef. 1-1-97; WCD 5-1998, f. 4-3-98, cert. ef. 7-1-98; WCD 9-1999, f. 5-27-99, cert. ef. 7-1-99; WCD 9-1999, f. 5-27-99, cert. ef. 7-1-99; WCD 2-2000, f. 3-15-00, cert. ef. 4-1-00; WCD 5-2008, f. 12-15-08, cert. ef. 1-1-09; Renumbered from 436-009-0100 by WCD 3-2010, f. 5-28-10, cert. ef. 7-1-10; Renumbered from 436-009-0199, WCD 1-2011, f. 3-1-11, cert. ef. 4-1-11; WCD 3-2014, f. 3-12-14, cert. ef. 4-1-14

436-010-0005

Definitions

For the purpose of these rules, OAR 436-009, and OAR 436-015, unless the context otherwise requires:

(1) "Administrative Review" means any decision making process of the director requested by a party aggrieved with an action taken under these rules except the hearing process described in OAR 436-001.

(2) "Attending Physician," unless otherwise provided by a Managed Care Organization contract, has the same meaning as described in ORS 656.005(12)(b). See "Matrix for Health Care Provider types" Appendix A.

(3) "Authorized nurse practitioner" means a nurse practitioner licensed under ORS 678.375 to 678.390 who has certified to the director that the nurse practitioner has reviewed informational materials about the workers' compensation system provided by the director and has been assigned an authorized nurse practitioner number by the director.

(4) "Board" means the Workers' Compensation Board and includes its Hearings Division.

(5) "Chart note" means a notation made in chronological order in a medical record in which the medical service provider records such things as subjective and objective findings, diagnosis, treatment rendered, treatment objectives, and return to work goals and status.

(6) "Coordinated Health Care Program" means an employer program providing for the coordination of a separate policy of group health insurance coverage with the medical portion of workers' compensation coverage, for some or all of the employer's workers, which provides the worker with health care benefits even if a worker's compensation claim is denied.

(7) "Current Procedural Terminology" or "CPT"® means the Current Procedural Terminology codes and terminology most recently published by the American Medical Association unless otherwise specified in these rules.

(8) "Customary Fee" means a fee that falls within the range of fees normally charged for a given service.

(9) "Days" means calendar days.

(10) "Direct control and supervision" means the physician is on the same premises, at the same time, as the person providing a medical service ordered by the physician. The physician can modify, terminate, extend, or take over the medical service at any time.

(11) "Division" means the Workers' Compensation Division of the Department of Consumer and Business Services.

(12) "Eligible" means an injured worker who has filed a claim and is employed by an employer who is located in an MCO's authorized geographical service area, covered by an insurer who has a contract with that MCO. "Eligible" also includes a worker with an accepted claim having a date of injury prior to contract when that worker's employer later becomes covered by an MCO contract.

(13) "Enrolled" means an eligible injured worker has received notification from the insurer that the worker is being required to treat under the auspices of the MCO. However, a worker may not be enrolled who would otherwise be subject to an MCO contract if the worker's primary residence is more than 100 miles outside the managed care organization's certified geographical service area.

(14) "Health Care Practitioner or Health Care Provider" has the same meaning as a "medical service provider."

(15) "HCFA form 2552" (Hospital Care Complex Cost Report) means the annual report a hospital makes to Medicare.

(16) "Hearings Division" means the Hearings Division of the Workers' Compensation Board.

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(17) "Home Health Care" means medically necessary medical and medically related services provided in the injured worker's home environment. These services might include, but are not limited to, nursing care, medication administration, personal hygiene, or assistance with mobility and transportation.

(18) "Hospital" means an institution licensed by the State of Oregon as a hospital.

(19) ICD-9-CM means International Classification of Diseases, Ninth Revision, Clinical Modification, Vol. 1, 2 & 3 by US Department of Health and Human Services.

(20) ICD-10-CM means International Classification of Diseases, Tenth Revision, Clinical Modification.

(21) "Initial Claim" means the first open period on the claim immediately following the original filing of the occupational injury or disease claim until the worker is first declared to be medically stationary by an attending physician or authorized nurse practitioner. For nondisabling claims, the "initial claim" means the first period of medical treatment immediately following the original filing of the occupational injury or disease claim ending when the attending physician or authorized nurse practitioner does not anticipate further improvement or need for medical treatment, or there is an absence of treatment for an extended period.

(22) "Inpatient" means an injured worker who is admitted to a hospital prior to and extending past midnight for treatment and lodging.

(23) "Insurer" means the State Accident Insurance Fund Corporation; an insurer authorized under ORS chapter 731 to transact workers' compensation insurance in the state; or, an employer or employer group that has been certified under ORS 656.430 meeting the qualifications of a self-insured employer under ORS 656.407.

(24) "Interim Medical Benefits" means those services provided under ORS 656.247 on initial claims with dates of injury on or after January 1, 2002 that are not denied within 14 days of the employer's notice of the claim.

(25) "Mailed or Mailing Date," for the purposes of determining timeliness under these rules, means the date a document is postmarked. Requests submitted by facsimile or "fax" are considered mailed as of the date printed on the banner automatically produced by the transmitting fax machine. Hand-delivered requests will be considered mailed as of the date stamped or punched in by the Workers' Compensation Division. Phone or in-person requests, where allowed under these rules, will be considered mailed as of the date of the request.

(26) "Managed Care Organization" or "MCO" means an organization formed to provide medical services and certified in accordance with OAR chapter 436, division 015.

(27) "Medical Evidence" includes, but is not limited to: expert written testimony; written statements; written opinions, sworn affidavits, and testimony of medical professionals; records, reports, documents, laboratory, x-ray and test results authored, produced, generated, or verified by medical professionals; and medical research and reference material utilized, produced, or verified by medical professionals who are physicians or medical record reviewers in the particular case under consideration.

(28) "Medical Service" means any medical treatment or any medical, surgical, diagnostic, chiropractic, dental, hospital, nursing, ambulances, and other related services, and drugs, medicine, crutches and prosthetic appliances, braces and supports and where necessary, physical restorative services.

(29) "Medical Service Provider" means a person duly licensed to practice one or more of the healing arts.

(30) "Medical Provider" means a medical service provider, a hospital, medical clinic, or vendor of medical services.

(31) "Medical Treatment" means the management and care of a patient for the purpose of combating disease, injury, or disorder. Restrictions on activities are not considered treatment unless the primary purpose of the restrictions is to improve the worker's condition through conservative care.

(32) "Outpatient" means a worker not admitted to a hospital prior to and extending past midnight for treatment and lodging. Medical services provided by a health care provider such as emergency room services, observation room, or short stay surgical treatments which do not result in admission are also considered outpatient services.

(33) "Parties" mean the worker, insurer, MCO, attending physician, and other medical provider, unless a specific limitation or exception is expressly provided for in the statute.

(34) "Physical Capacity Evaluation" means an objective, directly observed, measurement of a worker's ability to perform a variety of physical tasks combined with subjective analyses of abilities by worker and eval-

uator. Physical tolerance screening, Blankenship's Functional Evaluation, and Functional Capacity Assessment will be considered to have the same meaning as Physical Capacity Evaluation.

(35) "Physical Restorative Services" means those services prescribed by the attending physician or authorized nurse practitioner to address permanent loss of physical function due to hemiplegia, a spinal cord injury, or to address residuals of a severe head injury. Services are designed to restore and maintain the injured worker to the highest functional ability consistent with the worker's condition. Physical restorative services are not services to replace medical services usually prescribed during the course of recovery.

(36) "Report" means medical information transmitted in written form containing relevant subjective or objective findings. Reports may take the form of brief or complete narrative reports, a treatment plan, a closing examination report, or any forms as prescribed by the director.

(37) "Residual Functional Capacity" means an individual's remaining ability to perform work-related activities despite medically determinable impairment resulting from the accepted compensable condition. A residual functional capacity evaluation includes, but is not limited to, capability for lifting, carrying, pushing, pulling, standing, walking, sitting, climbing, balancing, bending/stooping, twisting, kneeling, crouching, crawling, and reaching, and the number of hours per day the worker can perform each activity.

(38) "Specialist Physician" means a licensed physician who qualifies as an attending physician and who examines a worker at the request of the attending physician or authorized nurse practitioner to aid in evaluation of disability, diagnosis, or provide temporary specialized treatment. A specialist physician may provide specialized treatment for the compensable injury or illness and give advice or an opinion regarding the treatment being rendered, or considered, for a workers' compensable injury.

(39) "Usual Fee" means the medical provider's fee charged the general public for a given service.

(40) "Work Capacity Evaluation" means a physical capacity evaluation with special emphasis on the ability to perform a variety of vocationally oriented tasks based on specific job demands. Work Tolerance Screening will be considered to have the same meaning as Work Capacity Evaluation.

(41) "Work Hardening" means an individualized, medically prescribed and monitored, work oriented treatment process. The process involves the worker participating in simulated or actual work tasks that are structured and graded to progressively increase physical tolerances, stamina, endurance, and productivity to return the worker to a specific job.

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

Stat. Auth.: ORS 656.726(4)

Stats. Implemented: ORS 656.000 et seq. & 656.005

Hist.: WCB 4-1976, f. 10-20-76, ef. 11-1-76; WCD 7-1978(Admin), f. & ef. 6-5-78; WCD 2-1980(Admin), f. 1-28-80, ef. 2-1-80; WCD 5-1982(Admin), f. 2-23-82, ef. 3-1-82; WCD 1-1984(Admin), f. & ef. 1-16-84; WCD 2-1985(Admin), f. 4-29-85, ef. 6-3-85; Renumbered from 436-069-0005, 5-1-85; WCD 6-1985(Admin), f. 12-10-85, ef. 1-1-86; WCD 4-1986(Admin), f. 6-26-86, ef. 7-1-86; WCD 2-1987(Admin), f. 2-20-87, ef. 3-16-87; WCD 1-1988, f. 1-20-88, cert. ef. 2-1-88; WCD 1-1990, f. 1-5-90, cert. ef. 2-1-90; WCD 12-1990(Temp), f. 6-20-90, cert. ef. 7-1-90; WCD 14-1990(Temp), f. & cert. ef. 7-20-91; WCD 16-1990(Temp), f. & cert. ef. 8-17-90; WCD 30-1990, f. 12-10-90, cert. ef. 12-26-90; WCD 11-1992, f. 6-11-92, cert. ef. 7-1-92; WCD 13-1994, f. 12-20-94, cert. ef. 2-1-95; WCD 12-1996, f. 5-6-96, cert. ef. 6-1-96; WCD 11-1998, f. 12-16-98, cert. ef. 1-1-99; WCD 13-2001, f. 12-17-01, cert. ef. 1-1-02; WCD 9-2002, f. 9-27-02, cert. ef. 11-1-02; WCD 14-2003(Temp), f. 12-15-03, cert. ef. 1-1-04 thru 6-28-04; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 2-2005, f. 3-24-05, cert. ef. 4-1-05; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 5-2006, f. 6-15-06, cert. ef. 7-1-06; WCD 11-2007, f. 11-1-07, cert. ef. 1-2-08; WCD 7-2013, f. 11-12-13, cert. ef. 1-1-14; WCD 3-2014, f. 3-12-14, cert. ef. 4-1-14

436-010-0230

Medical Services and Treatment Guidelines

(1) Medical services provided to the worker must not be more than the nature of the compensable injury or the process of recovery requires. Services that are unnecessary or inappropriate according to accepted professional standards are not reimbursable.

(2) An employer or insurer representative may not attend a worker's medical appointment without written consent of the worker. The worker has the right to refuse such attendance.

(a) The consent form must state that the worker's benefits cannot be suspended if the worker refuses to have an employer or insurer representative present.

(b) The consent form must be written in a way that allows the worker to understand it and to overcome language or cultural differences.

(c) The insurer must keep a copy of a signed consent form in the claim file.

(3) At any time, the worker or the medical provider may refuse to allow an employer or insurer representative to attend an appointment, even if the worker previously signed a consent form.

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(a) The medical provider may refuse to meet with the employer or insurer representative.

(b) The medical provider may refuse to provide copies of the worker's medical records to the insurer representative without proof that the representative is attending the appointment on behalf of the insurer. The provider may charge for any copies that are provided.

(4) Insurers have the right to require evidence of the frequency, extent, and efficacy of treatment and services.

(5)(a) Except as otherwise provided by an MCO, when an attending physician, authorized nurse practitioner, or specialist physician prescribes ancillary services such as physical or occupational therapy, the ancillary medical service provider must prepare a treatment plan before beginning treatment. The ancillary medical service provider must send the treatment plan to the prescribing provider and the insurer within seven days of beginning treatment. The treatment plan must include objectives, modalities, frequency of treatment, and duration. The treatment plan may be recorded in any legible format including, but not limited to, signed chart notes. Treatment plans required under this subsection do not apply to services provided under ORS 656.245(2)(b)(A). If the treatment plan is not sent within seven days, the insurer is not required to pay for the services provided.

(b) Except as otherwise provided by an MCO, when an attending physician, authorized nurse practitioner, or specialist physician prescribes services to be provided by a massage therapist licensed by the State Board of Massage Therapists for the state of Oregon under ORS 687.011 to 687.250, the massage therapist must prepare a treatment plan before beginning treatment. The massage therapist must send the treatment plan to the prescribing provider and the insurer within seven days of beginning treatment. The treatment plan must include objectives, modalities, frequency of treatment, and duration. The treatment plan may be recorded in any legible format including, but not limited to, signed chart notes. If the treatment plan is not sent within seven days, the insurer is not required to pay for the services provided. Massage therapists not licensed in Oregon must provide their services under the direct control and supervision of the attending physician.

(c) The attending physician, authorized nurse practitioner, or specialist physician must sign a copy of the treatment plan within 30 days of the commencement of treatment and send it to the insurer. Failure of the physician or authorized nurse practitioner to sign or mail the treatment plan may subject the attending physician or authorized nurse practitioner to sanctions under OAR 436-010-0340, but shall not affect payment to the ancillary provider.

(d) Medical services prescribed by an attending physician, specialist physician, or authorized nurse practitioner and provided by a chiropractic physician, naturopathic physician, or acupuncturist, are subject to the treatment plan requirements in subsection (5)(a) and (c) of this rule.

(e) Unless otherwise provided for within utilization and treatment standards under an MCO contract, the usual range for therapy visits does not exceed 20 visits in the first 60 days, and 4 visits a month thereafter. This rule does not constitute authority for an arbitrary provision of or limitation of services, but is a guideline for reviewing treatment or services. The attending physician or authorized nurse practitioner must document the need for medical services in excess of these guidelines when submitting a written treatment plan. The process outlined in OAR 436-010-0008 should be followed when an insurer believes the treatment plan is inappropriate.

(f) Unless otherwise provided for within utilization and treatment standards under an MCO contract, a physical therapist must simultaneously submit a progress report to the attending physician and the insurer each 30 days or after every visit if the worker is seen less frequently. The progress report may be included in the provider's chart notes. The progress report must include:

- (A) Subjective status of the worker;
- (B) Objective data from tests and measurements conducted;
- (C) Functional status of the worker;
- (D) Interpretation of above data; and
- (E) Any change in the treatment plan.

(6) The attending physician or authorized nurse practitioner, when requested by the insurer or the director through the insurer to complete a physical capacity or work capacity evaluation, must complete the evaluation within 20 days, or refer the worker for such evaluation within seven days. The attending physician or authorized nurse practitioner must notify the insurer and the worker in writing if the worker is incapable of participating in such evaluation.

(7) Prescription medications are required medical services under the provisions of ORS 656.245(1)(a), (1)(b), and (1)(c) and do not require prior approval under the palliative care provisions of OAR 436-010-0290. A pharmacist, dispensing physician, or authorized nurse practitioner must dis-

pense generic drugs to injured workers in accordance with and under ORS 689.515. For the purposes of this rule, the worker will be deemed the "purchaser" and may object to the substitution of a generic drug. However, payment for brand name drugs are subject to the limitations provided in OAR 436-009-0090. Workers may have prescriptions filled by a provider of their choice, unless otherwise provided for in accordance with an MCO contract. Except in an emergency, drugs and medicine for oral consumption supplied by a physician's or authorized nurse practitioner's office are compensable only for the initial supply to treat the worker with the medication up to a maximum of 10 days, subject to the requirements of the provider's licensing board, this rule and OAR 436-009-0090. Compensation for certain drugs is limited as provided in OAR 436-009-0090.

(8) Dietary supplements including, but not limited to, minerals, vitamins, and amino acids are not reimbursable unless a specific compensable dietary deficiency has been clinically established in the injured worker or they are provided in accordance with a utilization and treatment standard adopted by the director. Vitamin B-12 injections are not reimbursable unless necessary because of a specific dietary deficiency of malabsorption resulting from a compensable gastrointestinal condition.

(9) X-ray films must be of diagnostic quality and accompanied by a report. 14" x 36" lateral views are not reimbursable.

(10) Upon request of either the director or the insurer, original diagnostic studies, including but not limited to actual films, must be forwarded to the director, the insurer, or the insurer's designee, within 14 days of receipt of a written request.

(a) Diagnostic studies, including films must be returned to the medical provider within a reasonable time.

(b) The insurer must pay for a reasonable charge made by the provider for the costs of delivery of diagnostic studies, including films.

(c) If a medical provider does not forward the films to the director or the insurer within 14 days of receipt of a written request, civil penalties may be imposed.

(11) A medical provider may contact an insurer in writing for pre-authorization of diagnostic imaging studies other than plain film x-rays. Pre-authorization is not a guarantee of payment. The insurer must respond in writing to the provider's request within seven days of receipt of the provider's request.

(12) Articles including but not limited to beds, hot tubs, chairs, Jacuzzis, and gravity traction devices are not compensable unless a need is clearly justified by a report which establishes that the "nature of the injury or the process of recovery requires" the item be furnished. The report must specifically set forth why the worker requires an item not usually considered necessary in the great majority of workers with similar impairments. Trips to spas, to resorts or retreats, whether prescribed or in association with a holistic medicine regimen, are not reimbursable unless special medical circumstances are shown to exist.

(13) Physical restorative services may include but are not limited to a regular exercise program or swim therapy. Such services are not compensable unless the nature of the worker's limitations requires specialized services to allow the worker a reasonable level of social or functional activity. The attending physician or authorized nurse practitioner must justify by report why the worker requires services not usually considered necessary for the majority of injured workers.

(14) The cost of repair or replacement of prosthetic appliances damaged when in use at the time of and in the course of a compensable injury is a compensable medical expense, including when the worker received no physical injury. For purposes of this rule, a prosthetic appliance is an artificial substitute for a missing body part or any device that aids the performance of a natural function, including but not limited to hearing aids and eyeglasses.

(15) Lumbar artificial disc replacement that is not excluded from compensability under OAR 436-009-0010(12)(g) is always inappropriate for injured workers with the following conditions (absolute contraindications):

- (a) Metabolic bone disease — for example, osteoporosis;
- (b) Known spondyloarthropathy (seropositive and seronegative);
- (c) Posttraumatic vertebral body deformity at the level of the proposed surgery;
- (d) Malignancy of the spine;
- (e) Implant allergy to the materials involved in the artificial disc;
- (f) Pregnancy — currently;
- (g) Active infection, local or systemic;
- (h) Lumbar spondylolisthesis or lumbar spondylolysis;
- (i) Prior fusion, laminectomy that involves any part of the facet joint, or facetectomy at the same level as proposed surgery; or

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(j) Spinal stenosis — lumbar — moderate to severe lateral recess and central stenosis.

(16) Lumbar artificial disc replacement that is not excluded from compensability under OAR 436-009-0010(12)(g) may be inappropriate for injured workers with the following conditions, depending on severity, location, etc. (relative contraindications):

(a) A comorbid medical condition compromising general health, for example, hepatitis, poorly controlled diabetes, cardiovascular disease, renal disease, autoimmune disorders, AIDS, lupus, etc.;

(b) Arachnoiditis;

(c) Corticosteroid use (chronic ongoing treatment with adrenal immunosuppression);

(d) Facet arthropathy — lumbar — moderate to severe, as shown radiographically;

(e) Morbid obesity — BMI greater than 40;

(f) Multilevel degenerative disc disease — lumbar — moderate to severe, as shown radiographically;

(g) Osteopenia — based on bone density test;

(h) Prior lumbar fusion at a different level than the proposed artificial disc replacement; or

(i) Psychosocial disorders — diagnosed as significant to severe.

(17) Cervical artificial disc replacement that is not excluded from compensability under OAR 436-009-0010(12)(h) is always inappropriate for injured workers with any of the following conditions (absolute contraindications):

(a) Instability in the cervical spine which is greater than 3.5 mm of anterior motion or greater than 20 degrees of angulation;

(b) Significantly abnormal facets;

(c) Osteoporosis defined as a T-score of negative (-)2.5 or more negative (e.g. -2.7);

(d) Allergy to metal implant;

(e) Bone disorders (any disease that affects the density of the bone);

(f) Uncontrolled diabetes mellitus;

(g) Active infection, local or systemic;

(h) Active malignancy, primary or metastatic;

(i) Bridging osteophytes (severe degenerative disease);

(j) A loss of disc height greater than 75 percent relative to the normal disc above;

(k) Chronic indefinite corticosteroid use;

(l) Prior cervical fusion at two or more levels; or

(m) Pseudo-arthritis at the level of the proposed artificial disc replacement.

(18) Cervical artificial disc replacement that is not excluded from compensability under OAR 436-009-0010(12)(h) may be inappropriate for injured workers with any of the following conditions, depending on severity, location, etc. (relative contraindications):

(a) A comorbid medical condition compromising general health, for example hepatitis, poorly controlled diabetes, cardiovascular disease, renal disease, autoimmune disorders, AIDS, lupus, etc.;

(b) Multilevel degenerative disc disease — cervical — moderate to severe, as shown radiographically;

(c) Osteopenia — based on bone density test with a T-score range of negative (-)1.5 to negative (-)2.5;

(d) Prior cervical fusion at one level;

(e) A loss of disc height of 50 percent to 75 percent relative to the normal disc above; or

(f) Psychosocial disorders — diagnosed as significant to severe.

Stat. Auth: ORS 656.726(4)

Stats. Implemented: ORS 656.245, 656.248, 656.252

Hist.: WCD 5-1982(Admin), f. 2-23-82, ef. 3-1-82; WCD 1-1984(Admin), f. & ef. 1-16-84; WCD 5-1984(Admin), f. & ef. 8-20-84; WCD 2-1985(Admin), f. 4-29-85, ef. 6-3-85; Renumbered from 436-069-0201, 5-1-85; WCD 6-1985(Admin), f. 12-10-85, ef. 1-1-86; WCD 2-1987(Admin), f. 2-20-87, ef. 3-16-87; WCD 1-1988, f. 1-20-88, cert. ef. 2-1-88; WCD 6-1988, f. 9-6-88, cert. ef. 9-15-88; WCD 2-1989, f. 8-21-89, cert. ef. 9-1-89; WCD 1-1990, f. 1-5-90, cert. ef. 2-1-90; WCD 12-1990(Temp), f. 6-20-90, cert. ef. 7-1-90; WCD 30-1990, f. 12-10-90, cert. ef. 12-26-90; WCD 11-1992, f. 6-11-92, cert. ef. 7-1-92; WCD 13-1994, f. 12-20-94, cert. ef. 2-1-95; WCD 12-1996, f. 5-6-96, cert. ef. 6-1-96, Renumbered from 436-010-0040; WCD 11-1998, f. 12-16-98, cert. ef. 1-1-99; WCD 3-1999(Temp), f. & cert. ef. 2-11-99 thru 8-10-99; WCD 7-1999, f. & cert. ef. 4-28-99; WCD 13-2001, f. 12-17-01, cert. ef. 1-1-02; WCD 14-2003(Temp), f. 12-15-03, cert. ef. 1-1-04 thru 6-28-04; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 2-2005, f. 3-24-05, cert. ef. 4-1-05; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 5-2006, f. 6-15-06, cert. ef. 7-1-06; WCD 11-2007, f. 11-1-07, cert. ef. 1-2-08; WCD 2-2008, f. 6-13-08, cert. ef. 6-30-08; WCD 1-2009, f. 5-22-09, cert. ef. 7-1-09; WCD 1-2011, f. 3-1-11, cert. ef. 4-1-11; WCD 5-2011, f. 11-18-11, cert. ef. 1-1-12; WCD 2-2013, f. 3-11-13, cert. ef. 4-1-13; WCD 3-2014, f. 3-12-14, cert. ef. 4-1-14

436-010-0240

Reporting Requirements for Medical Providers

(1) The act of the worker in applying for workers' compensation benefits constitutes authorization for any medical provider and other custodi-

ans of claims records to release relevant medical records under ORS 656.252 and diagnostic records required under ORS 656.325. Medical information relevant to a claim includes a past history of complaints or treatment of a condition similar to that presented in the claim or other conditions related to the same body part. The authorization is valid for the duration of the work related injury or illness and is not subject to revocation by the worker or the worker's representative. However, separate authorization is required for release of information regarding:

(a) Federally funded drug and alcohol abuse treatment programs governed by Federal Regulation 42, CFR 2, which may only be obtained in compliance with this federal regulation, or

(b) HIV-related information protected by ORS 433.045(3).

(2) Any physician, hospital, clinic, or other medical service provider, must provide all relevant information to the director, the insurer or their representative upon presentation of a signed Form 801, 827, or 2476 (Release of Information). "Signature on file," printed on the worker's signature line of any authorized Release of Information prescribed by the director, is a valid medical release, provided the insurer maintains the signed original in accordance with OAR 436-010-0270. However, nothing in this rule prevents a medical provider from requiring a signed authorized Release of Information.

(3) When the worker has initiated a claim or wishes to initiate a claim, the worker and the first medical service provider on the initial claim must complete the "Worker's and Health Care Provider's Report for Workers' Compensation Claims" (Form 827). Information that must be provided on the form includes, but is not limited to the worker's name, address, and Social Security number if available. For an initial claim, the medical service provider must send Form 827 to the proper insurer no later than 72 hours after the worker's first visit (Saturdays, Sundays, and holidays will not be counted in the 72-hour period). Diagnoses stated on Form 827 and all subsequent reports must conform to terminology found in the appropriate International Classification of Disease (ICD) or taught in accredited institutions of the licentiate's profession.

(4) All medical service providers must notify the worker at the time of the first visit of the manner in which they can provide compensable medical services and authorize time loss. Providers must also notify workers that they may be personally liable for noncompensable medical services. Such notification should be made in writing or documented in the worker's medical record.

(5) All medical service providers must give a copy of "A Guide for Workers Recently Hurt on the Job" (Form 3283) to the worker when they give the worker a copy of Form 827.

(6) Attending physicians or authorized nurse practitioners must, upon request from the insurer, submit verification of the worker's medical limitations related to the worker's ability to work, resulting from an occupational injury or disease. If the insurer requires the attending physician or authorized nurse practitioner to complete a release to return to work form, the insurer must use Form 3245.

(7) Medical providers must maintain records necessary to document the extent of medical services provided to injured workers.

(8) Progress reports are essential. When time loss is authorized by the attending physician or authorized nurse practitioner, the insurer may require progress reports every 15 days through the use of the physician's report, Form 827. Chart notes may be sufficient to satisfy this requirement. If more information is required, the insurer may request a brief or complete narrative report. Fees for such narrative reports must be in accordance with OAR 436-009-0040 (7)(a), 436-009-0060, and Appendix B of division 009, whichever applies.

(9) Reports may be handwritten and must include all relevant or requested information.

(10) All records must be legible and cannot be kept in a coded or semi-coded manner unless a legend is provided with each set of records.

(11) The medical provider must respond within 14 days to the request for relevant medical records as specified in section (1) of this rule, progress reports, narrative reports, original diagnostic studies, including, but not limited to, actual films, and any or all necessary records needed to review the efficacy of medical treatment or medical services, frequency, and necessity of care. The medical provider must be reimbursed for copying documents in accordance with OAR 436-009-0060 and Appendix B of division 009. If the medical provider fails to provide such information within fourteen (14) days of receiving a request sent by certified mail, penalties under OAR 436-010-0340 or 436-015-0120 may be imposed.

(12) The attending physician or authorized nurse practitioner must inform the insurer and the worker of the anticipated date of release to work, the anticipated date the worker will become medically stationary, the next

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appointment date, and the worker's medical limitations. To the extent any medical provider can determine these matters they must be included in each progress report. The insurer must not consider the anticipated date of becoming medically stationary as a release to return to work.

(13) The attending physician or authorized nurse practitioner must notify the worker, insurer, and all other health care providers involved in the worker's treatment when the worker is determined medically stationary. The medically stationary date must be the date of the exam, and not a projected date. The notice must provide:

- (a) The medically stationary date; and
- (b) Whether the worker is released to any kind of work.

(14) The attending physician or authorized nurse practitioner must advise the worker, and within five days provide the insurer with written notice, of the date the injured worker is released to return to regular or modified work.

(15) When an injured worker files a claim for aggravation, the claim must be filed on Form 827 and must be signed by the worker or the worker's representative and the attending physician. The attending physician, on the worker's behalf, must submit the aggravation form to the insurer within five days of the examination where aggravation is identified. When an insurer or self-insured employer receives a completed aggravation form, it must process the claim. Within 14 days of the examination the attending physician must also send a written report to the insurer that includes objective findings that document:

(a) Whether the worker is unable to work as a result of the compensable worsening; and

(b) Whether the worker has suffered a worsened condition attributable to the compensable injury under the criteria contained in ORS 656.273.

(16) A worker may use the Form 827 to request the insurer to formally accept a new or omitted medical condition in writing. If the worker uses the form to request acceptance of a new or omitted medical condition during a medical visit, the health care provider may write the claimed condition or the appropriate International Classification of Diseases (ICD) diagnosis code for the worker in the space provided on the form. If the injured worker signs the form and gives it to the provider, the provider must send the form to the insurer within five days of the day the worker signs the form.

(17) The attending physician, authorized nurse practitioner, or the MCO may request consultation regarding conditions related to an accepted claim. The attending physician, authorized nurse practitioner, or the MCO must promptly notify the insurer of the request for consultation. This requirement does not apply to diagnostic studies performed by radiologists and pathologists. The attending physician, authorized nurse practitioner, or MCO must provide the consultant with all relevant clinical information. The consultant must submit a copy of the consultation report to the attending physician, authorized nurse practitioner, the MCO, and the insurer within 10 days of the date of the examination or chart review. No additional fee beyond the consultation fee is allowed for this report. MCO requested consultations that are initiated by the insurer, which include examination of the worker, must be considered independent medical examinations subject to the provisions of OAR 436-010-0265.

(18) A medical service provider must not unreasonably interfere with the right of the insurer, under OAR 436-010-0265(1), to obtain a medical examination of the worker by a physician of the insurer's choice.

(19) Any time an injured worker changes his or her attending physician or authorized nurse practitioner:

- (a) The new provider is responsible for:

(A) Submitting Form 827 to the insurer not later than five days after the change or the date of first treatment; and

(B) Requesting all available medical information, including information concerning previous temporary disability periods, from the previous attending physician, authorized nurse practitioner, or from the insurer.

(b) The requirements of paragraphs (A) and (B) also apply anytime a worker is referred to a new physician qualified to be an attending physician or to a new authorized nurse practitioner primarily responsible for the worker's care.

(c) Anyone failing to forward requested information within 14 days to the new physician or nurse will be subject to penalties under OAR 436-010-0340.

(20) Injured workers, or their representatives, are entitled to copies of all protected health information in the medical records. These records should ordinarily be available from the insurers, but may also be obtained from medical providers under the following conditions:

(a) A medical provider may charge the worker for copies in accordance with OAR 436-009-0060, but a patient may not be denied summaries or copies of his/her medical records because of inability to pay.

(b) For the purpose of this rule, "protected health information in the medical record" means any oral or written information in any form or medium that is created or received and relates to:

(A) The past, present, or future physical or mental health of the patient;

(B) The provision of health care to the patient; and

(C) The past, present, or future payment for the provision of health care to the patient.

(c) A worker or the worker's representative may request all or part of the record. A summary may substitute for the actual record only if the patient agrees to the substitution. Upon request, the entire health information record in the possession of the medical provider will be provided to the worker or the worker's representative. This includes records from other health care providers, except that the following may be withheld:

(A) Information that was obtained from someone other than a health care provider when the health care provider promised confidentiality, and release of the information would likely reveal the source of the information;

(B) Psychotherapy notes;

(C) Information compiled for use in a civil, criminal, or administrative action or proceeding; and

(D) Other reasons specified by federal regulation.

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

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

Stat. Auth.: ORS 656.276(4)

Stats. Implemented: ORS 656.245, 656.252, 656.254 & 656.273

Hist.: WCD 5-1982(Admin), f. 2-23-82, ef. 3-1-82; WCD 1-1984(Admin), f. & ef. 1-16-84; Renumbered from 436-069-0101, 5-1-85; WCD 6-1985(Admin), f. 12-10-85, ef. 1-1-86; WCD 1-1988, f. 1-20-88, cert. ef. 2-1-88; WCD 1-1990, f. 1-5-90, cert. ef. 2-1-90; WCD 12-1990(Temp), f. 6-20-90, cert. ef. 7-1-90; WCD 14-1990(Temp), f. & cert. ef. 7-20-91; WCD 30-1990, f. 12-10-90, cert. ef. 12-26-90; WCD 11-1992, f. 6-11-92, cert. ef. 7-1-92; WCD 12-1996, f. 5-6-96, cert. ef. 6-1-96, Renumbered from 436-010-0030; WCD 11-1998, f. 12-16-98, cert. ef. 1-1-99; WCD 13-2001, f. 12-17-01, cert. ef. 1-1-02; WCD 14-2003(Temp), f. 12-15-03, cert. ef. 1-1-04 thru 6-28-04; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 2-2005, f. 3-24-05, cert. ef. 4-1-05; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 5-2006, f. 6-15-06, cert. ef. 7-1-06; WCD 11-2007, f. 11-1-07, cert. ef. 1-2-08; WCD 2-2008, f. 6-13-08, cert. ef. 6-30-08; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 3-2014, f. 3-12-14, cert. ef. 4-1-14

436-010-0270

Insurer's Rights and Duties

(1) Insurers must notify the injured worker in writing, immediately following receipt of notice or knowledge of a claim, of the manner in which they may receive medical services for compensable injuries.

(2) Insurers may obtain relevant medical records, using a computer-generated equivalent of Form 2476 (Release of Information), with "signature on file" printed on the worker's signature line, provided the insurer maintains a worker-signed original of the release form.

(3) The insurer must notify the attending physician or authorized nurse practitioner, if known, and the MCO, if any, when it denies or partially denies a previously accepted claim. In claims which have been denied, the insurer shall notify the medical service provider and MCO, if any, within ten days of any change of status of the claim.

(4) Upon request, the insurer must forward all relevant medical information to return-to-work specialists, vocational rehabilitation organizations, or new attending physician or authorized nurse practitioner within 14 days.

(5) When an insurer receives a written request for pre-authorization of diagnostic studies from a provider the insurer must respond in writing to the provider's request within seven days of receipt of the provider's request. If the insurer fails to respond within seven days of receiving a written request, penalties under OAR 436-010-0340 may be imposed.

(6) In disabling and non-disabling claims, immediately following notice or knowledge that the worker is medically stationary, insurers must notify the injured worker and the attending physician or authorized nurse practitioner in writing which medical services remain compensable under the system. This notice must list all benefits the worker is entitled to receive under ORS 656.245 (1)(c).

(7) When a medically stationary date is established by the insurer and is not based on the findings of an attending physician or authorized nurse practitioner, the insurer must notify all medical service providers of the worker's medically stationary status. Applicable to all injuries occurring on or after October 23, 1999, the insurer will be responsible for reimbursement to all medical service providers for services rendered until the insurer provides the notice to the attending physician or authorized nurse practitioner.

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(8) Insurers must reimburse workers for actual and reasonable costs for travel, prescriptions, and other claim related services paid by a worker in accordance with ORS 656.245(1)(e), 656.325, and 656.327.

(a) Reimbursement by the insurer to the worker for transportation costs to visit his or her attending physician may be limited to the theoretical distance required to realistically seek out and receive care from an appropriate attending physician of the same specialty who is in a geographically closer medical community in relationship to the worker's home. If a worker seeks medical services from an authorized nurse practitioner, reimbursement by the insurer to the worker for transportation costs to visit his or her authorized nurse practitioner may be limited to the theoretical distance required to realistically seek out and receive care from an appropriate nurse practitioner of the same specialty who is in a geographically closer medical community in relationship to the worker's home. All medical practitioners within a metropolitan area are considered part of the same medical community and therefore are not considered geographically closer than any other physician in that metropolitan medical community for purposes of travel reimbursement.

(b) A worker who relocates within the State of Oregon may continue treating with the established attending physician or authorized nurse practitioner and be reimbursed transportation costs.

(c) Prior to limiting reimbursement under subsection (7)(a) of this rule, the insurer must provide the worker a written explanation and a list of providers who can timely provide similar medical services within a reasonable traveling distance for the worker. The insurer must inform the worker that medical services may continue with the established attending physician or authorized nurse practitioner; however, reimbursement of transportation costs may be limited as described.

(d) When the director decides travel reimbursement disputes the determination will be based on principles of reasonableness and fairness within the context of the specific case circumstances as well as the spirit and intent of the law.

Stat. Auth.: ORS 656.726(4)
Stats. Implemented: ORS 656.252, 656.325, 656.245, 656.248, 656.260, 656.264
Hist.: WCD 5-1982(Admin), f. 2-23-82, ef. 3-1-82; WCD 1-1984(Admin), f. & ef. 1-16-84; Renumbered from 436-069-0801, 5-1-85; WCD 6-1985(Admin), f. 12-10-85, ef. 1-1-86; WCD 1-1988, f. 1-20-88, cert. ef. 2-1-88; WCD 6-1988, f. 9-6-88, cert. ef. 9-15-88; WCD 1-1990, f. 1-5-90, cert. ef. 2-1-90; WCD 12-1990(Temp), f. 6-20-90, cert. ef. 7-1-90; WCD 30-1990, f. 12-10-90, cert. ef. 12-26-90; WCD 11-1992, f. 6-11-92, cert. ef. 7-1-92; WCD 13-1994, f. 12-20-94, cert. ef. 2-1-95; WCD 12-1996, f. 5-6-96, cert. ef. 6-1-96, Renumbered from 436-010-0100; WCD 11-1998, f. 12-16-98, cert. ef. 1-1-99; WCD 13-1999(Temp), f. & cert. ef. 10-25-99 thru 4-21-00; WCD 3-2000, f. 4-3-00, cert. ef. 4-21-00; WCD 13-2001, f. 12-17-01, cert. ef. 1-1-02; WCD 14-2003(Temp), f. 12-15-03, cert. ef. 1-1-04 thru 6-28-04; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 2-2005, f. 3-24-05, cert. ef. 4-1-05; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 3-2014, f. 3-12-14, cert. ef. 4-1-14

436-010-0280

Determination of Impairment

(1) On disabling claims, when the worker becomes medically stationary, the attending physician must complete a closing exam or refer the worker to a consulting physician for all or part of the closing exam. For workers under the care of an authorized nurse practitioner or a type B attending physician other than a chiropractic physician, the provider must refer the worker to a type A attending physician to do a closing exam if there is a likelihood the worker has permanent impairment. The closing exam must be completed under OAR 436-030 and OAR 436-035.

(2) The attending physician or authorized nurse practitioner has 14 days from the medically stationary date to send the closing report to the insurer. Within eight days of the medically stationary date, the attending physician may arrange a closing exam with a consulting physician. This exam does not count as an IME or a change of attending physician.

(3) When an attending physician requests a consulting physician to do the closing exam, the consulting physician has seven days from the date of the exam to send the report for the concurrence or objections of the attending physician. The attending physician must also state, in writing, whether they agree or disagree with all or part of the findings of the exam. Within seven days of receiving the report, the attending physician must make any comments in writing and send the report to the insurer. (See "Matrix for Health Care Provider types" Appendix A)

(4) The attending physician must specify the worker's residual functional capacity or refer the worker for completion of a second level physical capacities exam or work capacities exam (as described in OAR 436-009-0060) pursuant to the following:

(a) A physical capacities exam when the worker has not been released to return to regular work, has not returned to regular work, has returned to modified work, or has refused an offer of modified work.

(b) A work capacities exam when there is question of the worker's ability to return to suitable and gainful employment. It may also be required to specify the worker's ability to perform specific job tasks.

(5) If the insurer issues a major contributing cause denial on the accepted claim and the worker is not medically stationary, the attending physician must do a closing exam. An authorized nurse practitioner or a type B attending physician other than a chiropractic physician must refer the worker to a type A attending physician for a closing exam. (See "Matrix for Health Care Provider types" Appendix A)

(6) The closing report must address the accepted conditions and must include:

- (a) Objective findings of permanent impairment; and
- (b) A statement of the validity of the impairment findings.

(7) The director may prescribe by bulletin what comprises a complete closing report, including, but not limited to, those specific clinical findings related to the specific body part or system affected. The bulletin may also include the impairment reporting format or form to be used as a supplement to the narrative report.

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

Stat. Auth.: ORS 656.726(4) & 656.245(2)(b)(B)

Stats. Implemented: ORS 656.245 & 656.252

Hist.: WCD 5-1982(Admin), f. 2-23-82, ef. 3-1-82; WCD 1-1984(Admin), f. & ef. 1-16-84; Renumbered from 436-069-0601, 5-1-85; WCD 1-1990, f. 1-5-90, cert. ef. 2-1-90; WCD 12-1990(Temp), f. 6-20-90, cert. ef. 7-1-90; WCD 30-1990, f. 12-10-90, cert. ef. 12-26-90; WCD 11-1992, f. 6-11-92, cert. ef. 7-1-92; WCD 13-1994, f. 12-20-94, cert. ef. 2-1-95; WCD 12-1996, f. 5-6-96, cert. ef. 6-1-96, Renumbered from 436-010-0080; WCD 11-1998, f. 12-16-98, cert. ef. 1-1-99; WCD 13-2001, f. 12-17-01, cert. ef. 1-1-02; WCD 14-2003(Temp), f. 12-15-03, cert. ef. 1-1-04 thru 6-28-03; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 2-2005, f. 3-24-05, cert. ef. 4-1-05; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 5-2006, f. 6-15-06, cert. ef. 7-1-06; WCD 11-2007, f. 11-1-07, cert. ef. 1-2-08; WCD 12-2007(Temp), f. 12-14-07, cert. ef. 1-2-08 thru 6-29-08; WCD 2-2008, f. 6-13-08, cert. ef. 6-30-08; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 5-2011, f. 11-18-11, cert. ef. 1-1-12; WCD 3-2014, f. 3-12-14, cert. ef. 4-1-14

436-010-0290

Medical Care After Medically Stationary

(1) Palliative care means medical services rendered to reduce or moderate temporarily the intensity of an otherwise stable medical condition, but does not include those medical services rendered to diagnose, heal, or permanently alleviate or eliminate a medical condition. Palliative care is compensable when it is prescribed by the attending physician and is necessary to enable the worker to continue current employment or a vocational training program. When the worker's attending physician believes that palliative care is appropriate to enable the worker to continue current employment or a current vocational training program, the attending physician must first submit a written request for approval to the insurer.

(a) The request must:

(A) Describe any objective findings;

(B) Identify by the appropriate ICD diagnosis, the medical condition for which palliative care is requested;

(C) Detail a treatment plan which includes the name of the provider who will render the care, specific treatment modalities, and frequency and duration of the care, not to exceed 180 days;

(D) Explain how the requested care is related to the compensable condition; and

(E) Describe how the requested care will enable the worker to continue current employment, or a current vocational training program, and the possible adverse effect if the care is not approved.

(b) Insurers must date stamp all palliative care requests upon receipt. Within 30 days of receipt, the insurer must send written notification to the attending physician, worker, and worker's attorney approving or disapproving the request as prescribed.

(A) Palliative care may begin following submission of the request to the insurer. If approved, services are payable from the date the approved medical service begins. If the requested care is ultimately disapproved, the insurer is not liable for payment of the medical service.

(B) If the insurer disapproves the requested care, the insurer must explain, in writing:

(i) Any disagreement with the medical condition for which the care is requested;

(ii) Why the requested care is not acceptable; or

(iii) Why the requested care will not enable the worker to continue current employment or a current vocational training program.

(c) If the insurer fails to respond in writing within 30 days, the attending physician or injured worker may request approval from the director within 120 days from the date the request was first submitted to the insurer. If the request is from a physician, it must include a copy of the original request and may include any other supporting information.

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(d) When the attending physician or the injured worker disagrees with the insurer's disapproval, the attending physician or the injured worker may request administrative review by the director in accordance with OAR 436-010-0008, within 90 days from the date of insurer's notice of disapproval. In addition to information required by OAR 436-010-0008(6), if the request is from a physician, it must include:

- (A) A copy of the original request to the insurer; and
- (B) A copy of the insurer's response.

(e) When the worker, insurer, or director believes palliative care, compensable under ORS 656.245(1)(c)(J), is excessive, inappropriate, ineffectual, or in violation of the director's rules regarding the performance of medical services, the dispute will be resolved in accordance with ORS 656.327 and OAR 436-010-0008.

(f) Subsequent requests for palliative care are subject to the same process as the initial request; however, the insurer may waive the requirement that the attending physician submit a supplemental palliative care request.

(2) Curative medical care is compensable when the care is to stabilize a temporary and acute waxing and waning of symptoms of the worker's condition.

(a) The director must approve curative care arising from a generally recognized, non-experimental advance in medical science since the worker's claim was closed that is highly likely to improve the worker's condition and that is otherwise justified by the circumstances of the claim. When the attending physician believes that curative care is appropriate, the physician must submit a written request for approval to the director. The request must:

- (A) Describe any objective findings.
- (B) Identify by the appropriate ICD diagnosis, the medical condition for which the care is requested.
- (C) Describe in detail the advance in medical science that has occurred since the worker's claim was closed that is highly likely to improve the worker's condition.
- (D) Provide an explanation, based on sound medical principles, as to how and why the care will improve the worker's condition.
- (E) Describe why the care is otherwise justified by the circumstances of the claim.

(3) In addition to sections (1) and (2) of this rule, medical services after a worker's condition is medically stationary are compensable when they are:

- (a) Provided to a worker who has been determined permanently and totally disabled.
- (b) Prescription medications.
- (c) Services necessary to administer or monitor administration of prescription medications.
- (d) Prosthetic devices, braces, and supports.
- (e) Services to monitor the status, replacement or repair of prosthetic devices, braces, and supports.
- (f) Services provided under an accepted claim for aggravation.
- (g) Services provided under Board's Own Motion.
- (h) Services necessary to diagnose the worker's condition.
- (i) Life-preserving modalities similar to insulin therapy, dialysis, and transfusions.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 656.726
Stats. Implemented: ORS 656.245
Hist.: WCD 12-1990(Temp), f. 6-20-90, cert. ef. 7-1-90; WCD 16-1990(Temp), f. & cert. ef. 8-17-90; WCD 30-1990, f. 12-10-90, cert. ef. 12-26-90; WCD 11-1992, f. 6-11-92, cert. ef. 7-1-92; WCD 13-1994, f. 12-20-94, cert. ef. 2-1-95; WCD 12-1996, f. 5-6-96, cert. ef. 6-1-96, Renumbered from 436-010-0041; WCD 11-1998, f. 12-16-98, cert. ef. 1-1-99; WCD 13-2001, f. 12-17-01, cert. ef. 1-1-02; WCD 2-2005, f. 3-24-05, cert. ef. 4-1-05; WCD 8-2005, f. 12-6-05, cert. ef. 1-1-06; WCD 1-2011, f. 3-1-11, cert. ef. 4-1-11; WCD 3-2014, f. 3-12-14, cert. ef. 4-1-14

436-010-0330

Medical Arbiters and Panels of Physicians

(1) In consultation with the Workers' Compensation Management-Labor Advisory Committee under ORS 656.790, the director will establish and maintain a list of physicians to be used as follows:

(a) To appoint a medical arbiter or a panel of medical arbiters under ORS 656.268 and to select a physician under ORS 656.325(1)(b).

(b) To appoint an appropriate physician or a panel of physicians to review medical treatment or medical services disputes under ORS 656.245, 656.260, and 656.327.

(2) Arbiters, panels of arbiters, physicians, and panels of physicians will be selected by the director.

(3) When a worker is required to attend an examination under this rule the director will provide notice of the examination to the worker and all

affected parties. The notice will inform all parties of the time, date, location, and purpose of the examination. Examinations will be at a place reasonably convenient to the worker, if possible.

(4) The arbiters, the panels of arbiters, the physicians and the panels of physicians selected under this rule must be paid by the insurer in accordance with OAR 436-009-0060 and Appendix B of division 009.

(5) The insurer must pay the worker for all necessary related services in accordance with ORS 656.325(1).

Stat. Auth.: ORS 656.726(4)
Stats. Implemented: ORS 656.268, 656.325 & 656.327
Hist.: WCD 12-1990(Temp), f. 6-20-90, cert. ef. 7-1-90; WCD 30-1990, f. 12-10-90, cert. ef. 12-26-90; WCD 11-1992, f. 6-11-92, cert. ef. 7-1-92; WCD 13-1994, f. 12-20-94, cert. ef. 2-1-95; WCD 12-1996, f. 5-6-96, cert. ef. 6-1-96, Renumbered from 436-010-0047; WCD 11-1998, f. 12-16-98, cert. ef. 1-1-99; WCD 13-2001, f. 12-17-01, cert. ef. 1-1-02; WCD 2-2005, f. 3-24-05, cert. ef. 4-1-05; WCD 2-2008, f. 6-13-08, cert. ef. 6-30-08; WCD 3-2010, f. 5-28-10, cert. ef. 7-1-10; WCD 1-2012, f. 2-16-12, cert. ef. 4-1-12; WCD 2-2013, f. 3-11-13, cert. ef. 4-1-13; WCD 3-2014, f. 3-12-14, cert. ef. 4-1-14

Department of Corrections Chapter 291

Rule Caption: Inmate Grievances Regarding Allegations of Sexual Abuse

Adm. Order No.: DOC 7-2014

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

Certified to be Effective: 3-3-14

Notice Publication Date: 1-1-2014

Rules Adopted: 291-109-0200

Rules Amended: 291-109-0180

Rules Repealed: 291-109-0125, 291-109-0200(T), 291-109-0180(T), 291-109-0125(T)

Subject: The Prison Rape Elimination Act (PREA) was passed unanimously by Congress and signed into law by President Bush in 2003. The U. S. Department of Justice finalized and published national PREA standards (28 C.F.R., Part 115) for all prisons, jails, lockups, and detention facilities in the United States in 2012. The final rule adopts national standards to prevent, detect, and respond to incidents of sexual violence, sexual coercion, and sexual solicitation. These rule modifications are necessary to ensure ODOC administrative rules for processing of inmate grievances regarding allegations of sexual abuse align with the national PREA standards.

Rules Coordinator: Janet R. Worley—(503) 945-0933

291-109-0180

Abuse of Grievance Review System

(1) An inmate shall submit no more than two inmate grievances in any one week or six in any calendar month. This will not apply to grievances regarding allegations of sexual abuse. A week is defined as Sunday through Saturday. Grievances submitted in excess of two grievances in any one-week or six in any calendar month will be denied and returned to the inmate, noting that he/she has abused the grievance review system.

(2) If a life, health or safety situation arises whereby there is valid reason to submit more than two grievances in one week or six in a calendar month, the inmate must clearly state in writing the reason for submission of the grievance above the number allowed. If the grievance coordinator determines that these reasons are not clear, concise or valid for submission of an additional grievance, the grievance will be returned to the inmate denied.

(3) Actions taken against an inmate who has abused the grievance review system under these rules are not grievable.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Hist.: DOC 3-2003, f. 2-13-03, cert. ef. 3-1-03; Renumbered from 291-109-0140(6), DOC 13-2006, f. 10-18-06, cert. ef. 11-1-06; DOC 3-2011, f. 2-23-11, cert. ef. 3-1-11; DOC 16-2013(Temp), f. & cert. ef. 12-13-13 thru 6-11-14; DOC 3-2014(Temp), f. & cert. ef. 1-17-14 thru 7-16-14; DOC 7-2014, f. & cert. ef. 3-3-14

291-109-0200

Grievance Regarding Allegations of Sexual Abuse

(1) For purposes of this rule sexual abuse is defined as sexual abuse of an inmate by another inmate and sexual abuse of an inmate by a staff member.

(a) Sexual abuse of an inmate by another inmate includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

(A) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

(B) Contact between the mouth and the penis, vulva, or anus;

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(C) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument; and

(D) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

(b) Sexual abuse of an inmate by a staff member, contractor or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

(A) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

(B) Contact between the mouth and the penis, vulva, or anus;

(C) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse or gratify sexual desire;

(D) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

(E) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks that is unrelated to the official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse or gratify sexual desire;

(F) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described by paragraphs (A)–(E) of this section;

(G) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and

(H) Voyeurism by a staff member, contractor, or volunteer. Voyeurism by a staff member, contractor or volunteer means an invasion of privacy of an inmate by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

(2) Grievances alleging sexual abuse must be submitted to the functional unit grievance coordinator on the departments approved inmate grievance form (CD117). The grievance should have the words "sexual abuse grievance" clearly written on the top of the grievance form.

(3) There is no time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse.

(4) Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates.

(a) If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.

(b) If the inmate declines to have the request processed on his or her behalf, the agency shall document the inmate's decision.

(5) The grievance coordinator may not refer a grievance alleging sexual abuse to a staff member who is the subject of the grievance. The grievance coordinator will coordinate with the appropriate manager by sending the grievance and a grievance response form (CD 117b) to the manager respondent for reply.

(6) An inmate may appeal the initial grievance response using the grievance appeal form (CD 117c). The appeal must be submitted to the grievance coordinator together with the original grievance, attachments and manager's response.

(7) The department shall issue a final decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.

(a) Computation of the 90-day time period shall not include time consumed by inmates in preparing any administrative appeal.

(b) The department may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The department shall notify the inmate in writing of any such extension and provide a date by which a decision will be made.

(c) At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider

the absence of a response to be a denial of the allegations made by the inmate at that level.

(8) An inmate who alleges that he or she is subject to a substantial risk of imminent sexual abuse may provide the grievance directly to the officer-in-charge (OIC) or the OIC's designee.

(a) After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, the OIC or the OIC's designee shall immediately review and take immediate corrective action as necessary to mitigate the risk of sexual assault.

(b) The OIC or the OIC's designee shall provide the emergency grievance and the initial response to the inmate and the grievance coordinator within 48 hours of the submission of the grievance.

(c) The grievance coordinator will issue to the inmate a final response to the emergency grievance within five days of the submission of the emergency grievance.

(d) The initial and final responses shall document the department's determination whether the inmate is in substantial risk of imminent sexual abuse and any action, if necessary, taken in response to the emergency grievance.

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

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

Hist.: DOC 16-2013(Temp), f. & cert. ef. 12-13-13 thru 6-11-14; DOC 3-2014(Temp), f. & cert. ef. 1-17-14 thru 7-16-14; DOC 7-2014, f. & cert. ef. 3-3-14

Rule Caption: Savanna Haven Property

Adm. Order No.: DOC 8-2014

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

Certified to be Effective: 3-3-14

Notice Publication Date: 1-1-2014

Rules Adopted: 291-073-0100, 291-073-0110

Subject: These rules are necessary to establish as policy of the Department of Corrections the appropriate utilization of approximately 104 acres of real property owned by the department situated in Marion County, Oregon, inside the City of Salem bordering the Oregon State Correctional Institution. Consistent with the Oregon Sustainability Act, it is the policy of the department to maintain and utilize the property in a manner that preserves the habitat values of the existing oak savanna and secures the area from commercial and industrial encroachment.

Rules Coordinator: Janet R. Worley—(503) 945-0933

291-073-0100

Authority, Purpose and Policy

(1) Authority: The authority for this rule is granted to the Director of the Department of Corrections in accordance with ORS 179.040, 423.020, 423.030, and 423.075.

(2) Purpose: The purpose of this rule is to establish as policy of the Department of Corrections the appropriate utilization of approximately 104 acres of real property owned by the department situated in Marion County, Oregon, inside the City of Salem bordering the Oregon State Correctional Institution described in Exhibit A and hereinafter referred to as the "Savanna Haven Property."

(3) Policy:

(a) As provided in the Oregon Sustainability Act, ORS 184.423, Oregon agencies, in their operations, "should help reduce adverse impacts on native habitats and species and help restore ecological processes."

(b) The department understands that utilization of the Savanna Haven Property must be in compliance with the following:

(A) ORS 184.423;

(B) ORS 276.054;

(C) City of Salem zoning requirement; and

(D) Salem Area Comprehensive Plan (Southeast Salem Area Plan).

(c) Consistent with the Oregon Sustainability Act and with the values and purposes described more fully below, it is the policy of the Department of Corrections to maintain and utilize the Savanna Haven Property in a manner that preserves the habitat values of the existing oak savanna and secures the area from commercial and industrial encroachment, as set forth in these rules.

Stat. Auth.: ORS 179.040, 184.423, 276.054, 423.020, 423.030, 423.075

Stats. Implemented: ORS 179.040, 184.423, 276.054, 423.020, 423.030, 423.075

Hist.: DOC 8-2014, f. & cert. ef. 3-3-14

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291-073-0110

Utilization

(1) The Savanna Haven Property is a relatively undeveloped area that possesses scenic, aesthetic, open space, agricultural, natural resources, and wildlife habitat values (collectively "conservation values") of great importance to the people of Marion County and the State of Oregon. Among the specific conservation values of the Savanna Haven Property are valuable ecological systems and plant communities, including but not limited to the following:

(a) Vegetative communities ranging from grassland and oak savanna to mixed Oregon white oak and conifer woodlands;

(b) Bird species such as the acorn woodpecker, white breasted nuthatch, and American kestrel rely upon the savanna (grassland interspersed with oak groves), the woodland, or both for nesting and feeding grounds.

(2) The Department of Corrections understands the people of Marion County have a significant interest in the department's maintenance and utilization of the Savanna Haven Property, particularly those individuals and organizations who own land bordering the Savanna Haven Property. Accordingly, and consistent with purposes, policy and values described in these rules, the department intends the Savanna Haven Property be maintained in the manner prescribed in subsection (3) of this rule and utilization of the property be limited to those activities specified in subsection (4) of this rule.

(3) The Savanna Haven Property shall be maintained as described below:

(a) Existing Buildings: Three barns currently exist on the property.

(A) The existing buildings on the property will be used and maintained by the department.

(B) If any buildings or structures on the property are damaged and present a safety hazard they will be repaired or demolished at the department's sole discretion.

(b) Existing Roadways: Maintenance of unpaved access roads for necessary improvements and uses permitted on the property are permitted, but limited to agricultural and maintenance uses.

(A) The gravel roadways providing maintenance and emergency access to the property will be maintained as appropriate.

(B) No portion of the property shall be paved or otherwise covered with concrete, asphalt or any other surface material other than gravel.

(c) Vegetative Cover: The property shall be maintained with vegetative cover.

(A) Areas of significant natural resource and habitat value may be restored and maintained.

(B) The control of non-native vegetation by removal or herbicide application is permissible.

(C) Diseased or hazardous trees will be removed as permitted by City of Salem Revised Code Chapter 68.

(d) It is specially noted that in restoration of Willamette Valley oak woodland and savannah habitat, selective or complete removal of Douglas-fir is a normal professional restoration practice. Douglas-fir trees may be removed from the property to improve the habitat value of the savannah and woodlands.

(4) Permissible activities of the Savanna Haven Property include the following:

(a) Agricultural production limited to the following:

(A) Grass hay production and harvesting in the field area surrounding the existing barns. The primary benefit of the grass hay production and harvesting will be weed and fire danger control.

(B) Plant, raise and harvest non-wholesale/retail nursery stock for use by the agencies of the State of Oregon.

(b) Educational opportunities including, but not limited to:

(A) Utilization of portions of the property to engage in approved programs of education, training, and restorative activities.

(B) Making the property available for use as a field study site for educational programs offered by colleges and universities.

(c) Signage: The department may place signs on the property, including but not limited to, signs to identify boundaries and plant species.

(5) If there are any changes to the utilization of the Savanna Haven Property as specified in this rule, the department shall provide reasonable opportunity for public comment by scheduling a rulemaking hearing. Pursuant to ORS 183.335, the department shall give notice of the rulemaking hearing to the following:

(a) Legislators as specified in ORS 183.335(15);

(b) Interested parties maintained on the department's mailing list pursuant to ORS 183.335(8);

(c) Individuals and organizations who own land bordering the Savanna Haven Property;

(d) City of Salem Public Works Director; and

(e) Marion County Planning Director.

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

Stats. Implemented: ORS 179.040, 184.423, 276.054, 423.020, 423.030, 423.075

Hist.: DOC 8-2014, f. & cert. ef. 3-3-14

Rule Caption: Cross Gender Searches of Transgender and Intersex Inmates in DOC Custody

Adm. Order No.: DOC 9-2014

Filed with Sec. of State: 3-4-2014

Certified to be Effective: 3-4-14

Notice Publication Date: 1-1-2014

Rules Adopted: 291-041-0018

Rules Amended: 291-041-0020

Rules Repealed: 291-041-0018(T), 291-041-0020(T)

Subject: The Prison Rape Elimination Act (PREA) was passed unanimously by Congress and signed into law by President Bush in 2003. The U. S. Department of Justice finalized and published national PREA standards (28 C.F.R. Part 115) for all prisons, jails, lockups, and detention facilities in the United States in 2012. The final rule adopts national standards to prevent, detect, and respond to incidents of sexual violence, sexual coercion, and sexual solicitation. These rule modifications are necessary to ensure ODOC administrative rules for conducting cross-gender searches and searches of transgender and intersex inmates align with the national PREA standards.

Rules Coordinator: Janet R. Worley — (503) 945-0933

291-041-0018

Training

The department shall train staff assigned to supervise inmates in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

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

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

Hist.: DOC 5-2013(Temp), f. & cert. ef. 12-13-13 thru 6-11-14; DOC 5-2014(Temp), f. & cert. ef. 1-17-14 thru 7-16-14; DOC 9-2014, f. & cert. ef. 3-4-14

291-041-0020

Inmates

(1) Search of inmates, living units, work areas, other places they inhabit or frequent, and their property will be conducted regularly on an unannounced and unscheduled basis.

(2) An inspection of each cell, room or dormitory area will occur prior to occupancy by a new inmate.

(3) In conducting searches of an inmate's living unit, place of work, or other places frequented or inhabited, the employee conducting the search will be expected to leave the search area in an orderly and neat condition. Care will be exercised to ensure that authorized property is not damaged or disposed of.

(4) Inmates may be subject to search at any time; but no more frequently than is necessary to control contraband or to recover stolen or missing property. However, all inmates will be subject to a search on each occasion before and after they leave a Department of Corrections facility, and on each occasion before and after visits, entering or exiting special housing units and before or after contact with persons outside the facility.

(5) The type of search administered will avoid unnecessary force, embarrassment, or indignity to the inmate. Non-intrusive sensors and inspection devices may be used when appropriate.

(6) Frisk Searches: Inmates may be searched only by authorized Department of Corrections personnel or a sworn police officer in the performance of his/her official duty. Cross-gender frisk searches of female inmates will not occur unless there is an emergency, and shall be documented.

(7) Skin Searches: Skin searches conducted by DOC staff will be of the same gender as the inmate, unless there is an emergency. Except in emergencies, inmates undergoing skin searches will be removed to a private area for the search.

(a) The facility shall document all strip searches to include cross-gender and cross-gender visual body cavity searches.

(b) The facility shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status.

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(c) If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

(8) Visual inspections for security reasons may be conducted by authorized personnel. All internal examinations must be conducted by medical personnel only upon authorization of the functional unit manager or the officer-of-the-day and only when there is reasonable suspicion as defined in OAR 291-041-0010(16) to justify the search. The inmate's written consent will not be required; however, an internal search will not be conducted if it could result in injury to the inmate or the personnel conducting the search.

(9) Hair:

(a) If staff need to conduct a hair search, it may be necessary to require the inmate to unbraided, loosen or cut the hair to complete the search.

(b) The inmate will be given an adequate amount of time to unbraided or loosen the hair.

(c) An inmate who refuses to unbraided or loosen the hair is subject to disciplinary action in accordance with the rule on Prohibited Inmate Conduct and Processing of Disciplinary Actions (OAR 291-105).

(d) If the inmate is unable to unbraided or loosen the hair so a search can be accomplished, staff shall conduct the search if possible in the least intrusive manner (e.g., hand wand, visual inspection, etc.). At no time shall staff cut an inmate's hair to complete a search WITHOUT approval of the functional unit manager or officer-of-the-day.

(e) If an inmate's hair creates a significant security or operational concern, a religious sincerity test may be conducted as outlined in DOC policy on Searching of Dreadlocks (90.2.1). Based on the results of the sincerity test, the functional unit manager or designee will determine what further action shall be taken.

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

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

Hist.: CD 42-1978, f. 12-19-78, ef. 12-20-78; CD 3-1980(Temp), f. & ef. 3-5-80; CD 24-1980, f. & ef. 7-3-80; CD 42-1981, f. & ef. 10-30-81; CD 36-1983(Temp), f. & ef. 10-14-83; CD 11-1984, f. & ef. 4-11-84; CD 46-1985, f. & ef. 8-16-85; CD 12-1989, f. & cert. ef. 6-30-89; CD 4-1991, f. & cert. ef. 1-22-91; DOC 2-2008, f. 2-1-08, cert. ef. 2-4-08; DOC 5-2013(Temp), f. & cert. ef. 12-13-13 thru 6-11-14; DOC 5-2014(Temp), f. & cert. ef. 1-17-14 thru 7-16-14; DOC 9-2014, f. & cert. ef. 3-4-14

Department of Energy Chapter 330

Rule Caption: Establish SELPAC appointment process, set term limits and create Oregon State Treasurer representative ex-officio member

Adm. Order No.: DOE 2-2014

Filed with Sec. of State: 3-7-2014

Certified to be Effective: 3-7-14

Notice Publication Date: 2-1-2014

Rules Adopted: 330-110-0012

Subject: These permanent rules for the Small Scale Local Energy Loan Program formalize the Small Scale Local Energy Project Advisory Committee (SELPAC) recruitment and appointment process, set committee term limits and create an ex-officio seat for an Oregon State Treasurer representative. The permanent rules allow the Oregon Department of Energy to utilize a formal recruitment announcement and process to seek potential members and reserves the right for the director to remove members upon missing a certain number of committee meetings or other causes. By statute, committee members may serve four-year terms. The permanent rule sets a two-term limit, allowing members to serve eight years in total. Lastly, the permanent rule creates an ex-officio seat on the committee occupied by a designated representative of the Oregon State Treasurer. The ex-officio member is a non-voting member of the committee and may not be counted for establishing a quorum

Rules Coordinator: Kathy Stuttaford—(503) 373-2127

330-110-0012

Small Scale Local Energy Project Advisory Committee Appointments, Term Limits and Ex-officio Member

(1) Committee Appointment Process. As committee vacancies arise, the department will issue a committee member opening announcement.

(a) Applicants must complete an Oregon executive appointments interest form.

(b) The department may conduct in-person interviews, perform a background check and consult with current committee members.

(c) An applicant may be invited to attend a committee meeting.

(d) Department staff will submit a written recommendation to the Director.

(e) The director will consider the recommendation and make the final determination, in accordance with ORS 470.070(2).

(f) If selected, the director will issue a signed letter of appointment and the applicant must accept within ten days.

(2) Committee Member Term; Term Limit.

(a) A committee member serves for a four-year term.

(b) A member's term starts on the date of appointment and until a successor is appointed and qualified.

(c) No committee member may serve more than two terms.

(3) Committee Renewal Process. Upon the recommendation of the committee, the director will review and may reappoint committee members for a second term.

(4) Committee Member Removal. The director may remove a committee member for any of the following:

(a) For any cause that is counter to the interests of the citizens of this state or the goals and mission of the committee, loan program or department.

(b) Upon missing three scheduled committee meetings in a 12-month period, the director may remove a committee member. The department schedules six committee meetings a year.

(5) Oregon State Treasurer Representative.

(a) The Oregon State Treasurer may appoint a representative to the committee to serve as an ex-officio member.

(b) The ex-officio member is not subject to the appointment process or term limits applicable to committee members.

(c) The ex-officio member may attend and participate in discussions at committee meetings. The ex-officio member is a non-voting member of the committee and may not be counted for establishing a quorum.

Stat. Auth.: ORS 469.040 & 470.140

Stats. Implemented: ORS 470.050 - 470.815

Hist.: DOE 2-2014, f. & cert. ef. 3-7-14

Department of Fish and Wildlife Chapter 635

Rule Caption: 2014 Spring Chinook Seasons on the Lower Deschutes and Hood Rivers.

Adm. Order No.: DFW 13-2014(Temp)

Filed with Sec. of State: 2-18-2014

Certified to be Effective: 4-15-14 thru 7-31-14

Notice Publication Date:

Rules Amended: 635-018-0090

Subject: This amended rule allows the sport harvest of adipose fin-clipped spring Chinook salmon in the Lower Deschutes River from April 15 through July 31, 2014 and sport harvest of adipose fin-clipped spring Chinook salmon in the Hood River from April 15 through June 30, 2014. The Deschutes River open area extends from the mouth at the I-84 Bridge upstream to Sherars Falls. It is unlawful to continue to angle from Sherars Falls downstream to the upper railroad trestle after taking the daily adult bag limit of spring Chinook. The Hood River open area extends from the mouth to the mainstem confluence with the East Fork, and the West Fork from the confluence with the mainstem upstream to the angling deadline 200 feet downstream of Punchbowl Falls. The daily bag limit for both rivers is 2 adult adipose fin-clipped salmon per day and 5 adipose fin-clipped jack salmon per day. All non-adipose fin-clipped Chinook salmon must be released unharmed. All other limits and restrictions remain unchanged from those listed for in the 2014 Oregon Sport Fishing Regulations.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-018-0090

Inclusions and Modifications

(1) The 2014 Oregon Sport Fishing Regulations provide requirements for the Central 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) Hood River from the mouth to the mainstem confluence with the East Fork, and the West Fork from the confluence with the mainstem

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upstream to the angling deadline 200 feet downstream of Punchbowl Falls is open to angling for adipose fin-clipped Chinook salmon from April 15 through June 30, 2014.

(a) The catch limit is two (2) adult adipose fin-clipped Chinook salmon per day, and five (5) adipose fin-clipped jack salmon per day. All non adipose fin-clipped Chinook salmon must be released unharmed.

(b) All other catch limits and restrictions remain unchanged from those listed for Hood River in the 2014 Oregon Sport Fishing Regulations.

(3) The Deschutes River from the mouth at the I-84 Bridge upstream to Sherars Falls is open to angling for trout, steelhead and adipose fin-clipped Chinook salmon from April 15 through July 31, 2014.

(a) The catch limit is two (2) adult adipose fin-clipped Chinook salmon per day, and five (5) adipose fin-clipped jack salmon per day. All non adipose fin-clipped Chinook salmon must be released unharmed.

(b) It is *unlawful* to continue to angle in the area from Sherars Falls downstream to the upper railroad trestle after taking a daily bag limit of two (2) adult Chinook salmon.

(c) All other catch limits and restrictions remain unchanged from those listed for Deschutes River in the **2014 Oregon Sport Fishing Regulations**.

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 20-1994(Temp), f. & cert. ef. 4-11-94; FWC 24-1994(Temp), f. 4-29-94, cert. ef. 4-30-94; FWC 34-1994(Temp), f. 6-14-94, cert. ef. 6-16-94; FWC 54-1994, f. 8-25-94, cert. ef. 9-1-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 67-1994(Temp), f. & cert. ef. 9-26-94; FWC 70-1994, f. 10-4-95, cert. ef. 11-1-94; FWC 18-1995, f. 3-2-95, cert. ef. 4-1-95; FWC 60-1995(Temp), f. 7-24-95, cert. ef. 8-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 11-1996(Temp), f. 3-8-96, cert. ef. 4-1-96; FWC 32-1996(Temp), f. 6-7-96, cert. ef. 6-16-96; FWC 38-1996(Temp), f. 6-14-96, cert. ef. 7-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 20-1997, f. & cert. ef. 3-24-97; FWC 21-1997, f. & cert. ef. 4-1-97; FWC 27-1997(Temp), f. 5-2-97, cert. ef. 5-9-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; FWC 25-1998(Temp), f. & cert. ef. 3-25-98 thru 8-31-98; DFW 56-1998(Temp), f. 7-24-98, cert. ef. 8-1-98 thru 10-31-98; DFW 70-1998, f. & cert. ef. 8-28-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 78-1999, f. & cert. ef. 10-4-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 12-2000(Temp), f. 3-20-00, cert. ef. 4-15-00 thru 7-31-00; DFW 27-2000(Temp), f. 5-15-00, cert. ef. 8-1-00 thru 10-31-00; DFW 28-2000, f. 5-23-00, cert. ef. 5-24-00 thru 7-31-00; 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 13-2001(Temp), f. 3-12-01, cert. ef. 4-7-01 thru 7-31-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 44-2001(Temp), f. 5-25-01, cert. ef. 6-1-01 thru 7-31-01; 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 23-2002(Temp), f. 3-21-02, cert. ef. 4-6-02 thru 7-31-02; DFW 25-2002(Temp), f. 3-22-02, cert. ef. 4-6-02 thru 7-31-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 62-2002, f. 6-14-02, cert. ef. 7-11-02; DFW 74-2002(Temp), f. 7-18-02, cert. ef. 8-1-02 thru 10-31-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-02-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 97-2002(Temp), f. & cert. ef. 8-29-02 thru 10-31-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 26-2003(Temp), f. 3-28-03, cert. ef. 4-15-03 thru 7-31-03; DFW 66-2003(Temp), f. 7-17-03, cert. ef. 8-1-03 thru 10-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 23-2004(Temp), f. 3-22-04, cert. ef. 4-1-04 thru 7-31-04; DFW 77-2004(Temp), f. 7-28-04, cert. ef. 8-1-04 thru 10-31-04, Administrative correction 11-22-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 19-2005(Temp), f. 3-16-05, cert. ef. 4-15-05 thru 7-31-05; DFW 41-2005(Temp), f. 5-13-05, cert. ef. 5-15-05 thru 7-31-05; DFW 83-2005(Temp), f. 7-29-05, cert. ef. 8-1-05 thru 10-31-05; DFW 84-2005(Temp), f. & cert. ef. 8-1-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 59-2006(Temp), f. 7-10-06, cert. ef. 8-1-06 thru 10-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 18-2007(Temp), f. 3-22-07, cert. ef. 4-15-07 thru 7-31-07; DFW 55-2007(Temp), f. 7-6-07, cert. ef. 8-1-07 thru 10-31-07; Administrative correction 11-17-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 26-2008(Temp), f. 3-17-08, cert. ef. 4-15-08 thru 7-31-08; DFW 27-2008(Temp), f. 3-24-08, cert. ef. 5-1-08 thru 10-27-08; Administrative correction 11-18-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 16-2009(Temp), f. 2-25-09, cert. ef. 4-15-09 thru 6-30-09; DFW 61-2009(Temp), f. 6-1-09, cert. ef. 8-1-09 thru 10-31-09; DFW 104-2009(Temp), f. 8-28-09, cert. ef. 9-1-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 7-2010(Temp), f. 1-25-10, cert. ef. 4-1-10 thru 7-31-10; DFW 27-2010(Temp), f. 3-8-10, cert. ef. 4-15-10 thru 7-31-10; DFW 66-2010(Temp), f. 5-18-10, cert. ef. 5-22-10 thru 10-31-10; DFW 86-2010(Temp), f. 6-23-10, cert. ef. 7-1-10 thru 10-31-10; DFW 106-2010(Temp), f. 7-26-10, cert. ef. 8-1-10 thru 12-31-10; DFW 164-2010(Temp), f. 12-28-10, cert. ef. 1-1-11 thru 6-29-11; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 16-2011(Temp), f. 2-16-11, cert. ef. 4-15-11 thru 7-31-11; DFW 17-2011(Temp), f. 2-17-11, cert. ef. 4-15-11 thru 7-31-11; DFW 42-2011(Temp), f. & cert. ef. 5-10-11 thru 10-31-11; DFW 93-2011(Temp), f. 7-13-11, cert. ef. 8-1-11 thru 10-31-11; DFW 123-2011(Temp), f. 9-2-11, cert. ef. 9-3-11 thru 12-31-11; DFW 160-2011(Temp), f. 12-20-11, cert. ef. 1-1-12 thru 4-30-12; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 21-2012, f. & cert. ef. 3-12-12; DFW 34-2012(Temp), f. 4-13-12, cert. ef. 4-15-12 thru 7-31-12; DFW 55-2012(Temp), f. & cert. ef. 6-4-12 thru 6-30-12; Administrative correction, 8-1-12; DFW 88-2012(Temp), f. 7-16-12, cert. ef. 8-1-12 thru 10-31-12; Administrative correction 11-23-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 16-2013(Temp), f. 2-25-13, cert. ef. 4-15-13 thru 6-30-13; DFW 75-2013(Temp), f. 7-15-13, cert. ef. 8-1-13 thru 10-31-13; Administrative correction, 11-22-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 13-2014(Temp), f. 2-18-14, cert. ef. 4-15-14 thru 7-31-14

Rule Caption: Columbia River Recreational Sturgeon Season Set for the Bonneville Pool.

Adm. Order No.: DFW 14-2014(Temp)

Filed with Sec. of State: 2-20-2014

Certified to be Effective: 2-24-14 thru 7-31-14

Notice Publication Date:

Rules Amended: 635-023-0095

Rules Suspended: 635-023-0095(T)

Subject: This amended rule sets a white sturgeon retention fishery in the Bonneville Pool beginning Monday, February 24 and running through Sunday, March 9, 2014. Revisions are consistent with action taken February 20, 2014 by Columbia River Compact agencies of the states of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-023-0095

Sturgeon Season

(1) The **2014 Oregon Sport Fishing Regulations** provide requirements for the Columbia River Zone and the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the **2014 Oregon Sport Fishing Regulations**.

(2) Effective February 1 through February 17, retention of white sturgeon between 38–54 inches in fork length is allowed in the mainstem Columbia River from Bonneville Dam upstream to The Dalles Dam (Bonneville Pool) including adjacent tributaries.

(3) Effective February 24 through March 9, retention of white sturgeon between 38–54 inches in fork length is allowed in the mainstem Columbia River from Bonneville Dam upstream to The Dalles Dam (Bonneville Pool) including adjacent tributaries.

Stat. Auth.: ORS 183.325, 506.109 & 506.119
Stats. Implemented: ORS 506.129 & 507.030

Hist.: DFW 129-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 2-28-05; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 22-2005(Temp), f. 4-1-05, cert. ef. 4-30-05 thru 7-31-05; DFW 50-2005(Temp), f. 6-3-05, cert. ef. 6-11-05 thru 11-30-05; DFW 60-2005(Temp), f. 6-21-05, cert. ef. 6-24-05 thru 12-21-05; DFW 65-2005(Temp), f. 6-30-05, cert. ef. 7-10-05 thru 12-31-05; DFW 76-2005(Temp), f. 7-14-05, cert. ef. 7-18-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 145-2005(Temp), f. 12-21-05, cert. ef. 1-1-06 thru 3-31-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 19-2006(Temp), f. 4-6-06, cert. ef. 4-8-06 thru 7-31-06; DFW 54-2006(Temp), f. 6-29-06, cert. ef. 7-1-06 thru 12-27-06; DFW 62-2006(Temp), f. 7-13-06, cert. ef. 7-24-06 thru 12-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 131-2006(Temp), f. 12-20-06, cert. ef. 1-1-07 thru 6-29-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 20-2007(Temp), f. 3-26-07, cert. ef. 3-28-07 thru 7-30-07; DFW 38-2007(Temp), f. & cert. ef. 5-31-07 thru 11-26-07; DFW 59-2007(Temp), f. 7-18-07, cert. ef. 7-29-07 thru 12-31-07; DFW 75-2007(Temp), f. 8-17-07, cert. ef. 8-18-07 thru 12-31-07; DFW 102-2007(Temp), f. 9-28-07, cert. ef. 10-1-07 thru 12-31-07; DFW 135-2007(Temp), f. 12-28-07, cert. ef. 1-1-08 thru 6-28-08; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 8-2008, f. & cert. ef. 2-11-08; DFW 23-2008(Temp), f. 3-12-08, cert. ef. 3-15-08 thru 9-10-08; DFW 28-2008(Temp), f. 3-24-08, cert. ef. 3-26-08 thru 9-10-08; DFW 72-2008(Temp), f. 6-30-08, cert. ef. 7-10-08 thru 12-31-08; DFW 78-2008(Temp), f. 7-9-08, cert. ef. 7-12-08 thru 12-31-08; DFW 86-2008(Temp), f. & cert. ef. 7-25-08 thru 12-31-08; DFW 148-2008(Temp), f. 12-19-08, cert. ef. 1-1-09 thru 6-29-09; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 18-2009, f. & cert. ef. 2-26-09; DFW 33-2009(Temp), f. 4-2-09, cert. ef. 4-13-09 thru 10-9-09; DFW 63-2009(Temp), f. 6-3-09, cert. ef. 6-6-09 thru 10-9-09; DFW 83-2009(Temp), f. 7-8-09, cert. ef. 7-9-09 thru 12-31-09; DFW 86-2009(Temp), f. 7-22-09, cert. ef. 7-24-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 13-2010(Temp), f. 2-16-10, cert. ef. 2-21-10 thru 7-31-10; DFW 19-2010(Temp), f. 2-26-10, cert. ef. 3-1-10 thru 8-27-10; DFW 34-2010, f. 3-16-10, cert. ef. 4-1-10; DFW 49-2010(Temp), f. 4-27-10, cert. ef. 4-29-10 thru 7-31-10; DFW 50-2010(Temp), f. 4-29-10, cert. ef. 5-6-10 thru 11-1-10; DFW 88-2010(Temp), f. 6-25-10, cert. ef. 6-26-10 thru 7-31-10; DFW 91-2010(Temp), f. 6-29-10, cert. ef. 8-1-10 thru 12-31-10; DFW 99-2010(Temp), f. 7-13-10, cert. ef. 7-15-10 thru 12-31-10; DFW 165-2010(Temp), f. 12-28-10, cert. ef. 1-1-11 thru 6-29-11; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 11-2011(Temp), f. 2-10-11, cert. ef. 2-11-11 thru 7-31-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 26-2011(Temp), f. 4-5-11, cert. ef. 4-10-11 thru 9-30-11; DFW 74-2011(Temp), f. 6-24-11, cert. ef. 6-27-11 thru 7-31-11; DFW 87-2011(Temp), f. 7-8-11, cert. ef. 7-9-11 thru 7-31-11; DFW 96-2011(Temp), f. 7-20-11, cert. ef. 7-30-11 thru 12-31-11; DFW 129-2011(Temp), f. 9-15-11, cert. ef. 9-30-11 thru 12-31-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 1-2012(Temp), f. & cert. ef. 1-5-12 thru 7-2-12; DFW 10-2012, f. & cert. ef. 2-7-12; DFW 16-2012(Temp), f. 2-14-12, cert. ef. 2-18-12 thru 7-31-12; DFW 44-2012(Temp), f. 5-1-12, cert. ef. 5-20-12 thru 7-31-12; DFW 73-2012(Temp), f. 6-29-12, cert. ef. 7-1-12 thru 8-31-12; DFW 97-2012(Temp), f. 7-30-12, cert. ef. 8-1-12 thru 12-31-12; DFW 129-2012(Temp), f. 10-3-12, cert. ef. 10-20-12 thru 12-31-12; DFW 140-2012(Temp), f. 10-31-12, cert. ef. 11-4-12 thru 12-31-12; DFW 152-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 154-2012(Temp), f. 12-28-12, cert. ef. 1-1-13 thru 2-28-13; DFW 12-2013(Temp), f. 2-12-13, cert. ef. 2-28-13 thru 7-31-13; DFW 23-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-27-13; DFW 47-2013(Temp), f. 5-30-13, cert. ef. 6-14-13 thru 9-30-13; DFW 59-2013(Temp), f. 6-19-13, cert. ef. 6-21-13 thru 10-31-13; DFW 64-2013(Temp), f. 6-27-13, cert. ef. 6-29-13 thru 10-31-13; DFW 104-2013(Temp), f. 9-13-13, cert. ef. 10-19-13 thru 12-31-13; DFW 126-2013(Temp), f. 10-31-13, cert. ef. 11-12-13 thru 12-31-13; DFW 135-2013(Temp), f. 12-12-13, cert. ef. 1-1-14 thru 1-31-14; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 5-2014(Temp), f. 1-30-14, cert. ef. 2-1-14 thru 7-30-14; DFW 14-2014(Temp), f. 2-20-14, cert. ef. 2-24-14 thru 7-31-14

Rule Caption: Treaty Indian Winter Commercial Fisheries in the John Day Pool Close February 26

Adm. Order No.: DFW 15-2014(Temp)

Filed with Sec. of State: 2-25-2014

Certified to be Effective: 2-26-14 thru 7-30-14

Notice Publication Date:

Rules Amended: 635-041-0065

Rules Suspended: 635-041-0065(T)

ADMINISTRATIVE RULES

Subject: This amended rule closes allowable sales of fish caught in the Treaty winter commercial gillnet fishery in the John Day Pool effective at 6:00 p.m. Wednesday, February 26, 2014. White sturgeon between 43 and 54 inches in fork length caught in the John Day Pool may still be retained for subsistence purposes.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0065

Winter Season

(1) Salmon, steelhead, shad, white sturgeon, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from the Zone 6 Columbia River Treaty Indian Fishery, from 6 a.m. February 1 to 6:00 p.m. March 21.

(2) Effective 6:00 p.m. Wednesday, February 26, 2014 the winter commercial gillnet fishery in the John Day Pool is closed. The sale of fish defined in (1) above landed prior to Wednesday, 6 p.m. February 26 is allowed after the fishery closes. Fish caught in the platform hook-and-line fishery may not be sold, but may be kept for subsistence purposes.

(3) There are no mesh size restrictions.

(4) Closed areas as set forth in OAR 635-041-0045 remain in effect with the exception of Spring Creek Hatchery sanctuary.

(5) White sturgeon between 43–54 inches fork length in The Dalles Pool and white sturgeon between 43–54 inches fork length in the Bonneville Pool may be sold or kept for subsistence use. White sturgeon between 43–54 inches in fork length caught in the John Day Pool may not be sold but may be retained for subsistence purposes.

(6) Sale of platform and hook-and-line caught fish is allowed during open commercial fishing seasons.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 89, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79; FWC 13-1979(Temp), f. & ef. 3-30-1979, Renumbered from 635-035-0065; FWC 6-1980, f. & ef. 1-28-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 2-1983, f. 1-21-83, ef. 2-1-83; FWC 4-1984, f. & ef. 1-31-84; FWC 2-1985, f. & ef. 1-30-85; FWC 4-1986(Temp), f. & ef. 1-28-86; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87; FWC 3-1988(Temp), f. & cert. ef. 1-29-88; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 5-1989, f. 2-6-89, cert. ef. 2-7-89; FWC 13-1989(Temp), f. & cert. ef. 3-21-89; FWC 15-1990(Temp), f. 2-8-90, cert. ef. 2-9-90; FWC 20-1990, f. 3-6-90, cert. ef. 3-15-90; FWC 13-1992(Temp), f. & cert. ef. 3-5-92; FWC 7-1993, f. & cert. ef. 2-1-93; FWC 12-1993(Temp), f. & cert. ef. 2-22-93; FWC 18-1993(Temp), f. & cert. ef. 3-2-93; FWC 7-1994, f. & cert. ef. 2-1-94; FWC 11-1994(Temp), f. & cert. ef. 2-28-94; FWC 9-1995, f. & cert. ef. 2-1-95; FWC 19-1995(Temp), f. & cert. ef. 3-3-95; FWC 5-1996, f. & cert. ef. 2-7-96; FWC 4-1997, f. & cert. ef. 1-30-97; DFW 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cert. ef. 3-3-98; DFW 20-1998(Temp), f. & cert. ef. 3-13-98 thru 3-20-98; DFW 23-1998(Temp), f. & cert. ef. 3-20-98 thru 6-30-98; DFW 2-1999(Temp), f. & cert. ef. 2-1-99 through 2-19-99; DFW 9-1999, f. & cert. ef. 2-26-99; DFW 14-1999(Temp), f. 3-5-99, cert. ef. 3-6-99 thru 3-20-99; Administrative correction 11-17-99; DFW 6-2000(Temp), f. & cert. ef. 2-1-00 thru 2-29-00; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 19-2000, f. 3-18-00, cert. ef. 3-18-00 thru 3-21-00; DFW 26-2000(Temp), f. 5-4-00, cert. ef. 5-6-00 thru 5-28-00; Administrative correction 5-22-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 14-2001(Temp), f. 3-12-01, cert. ef. 3-14-01 thru 3-21-01; Administrative correction 6-20-01; DFW 9-2002, f. & cert. ef. 2-1-02; DFW 11-2002(Temp), f. & cert. ef. 2-8-02 thru 8-7-02; DFW 17-2002(Temp), f. 3-7-02, cert. ef. 3-8-02 thru 9-1-02; DFW 18-2002(Temp), f. 3-13-02, cert. ef. 3-15-02 thru 9-11-02; DFW 134-2002(Temp), f. & cert. ef. 12-19-02 thru 4-1-03; DFW 20-2003(Temp), f. 3-12-03, cert. ef. 3-13-03 thru 4-1-03; DFW 131-2003(Temp), f. 12-26-03, cert. ef. 1-1-04 thru 4-1-04; DFW 5-2004(Temp), f. 1-26-04, cert. ef. 2-2-04 thru 4-1-04; DFW 15-2004(Temp), f. 3-8-04, cert. ef. 3-10-04 thru 4-1-04; DFW 130-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 4-1-05; DFW 4-2005(Temp), f. & cert. ef. 1-31-05 thru 4-1-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 3-2006(Temp), f. & cert. ef. 1-27-06 thru 3-31-06; Administrative correction 4-19-06; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 14-2007(Temp), f. & cert. ef. 3-9-07 thru 9-4-07; DFW 15-2007(Temp), f. & cert. ef. 3-14-07 thru 9-9-07; Administrative correction 9-16-07; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 20-2008(Temp), f. 2-28-08, cert. ef. 2-29-08 thru 7-28-08; DFW 21-2008(Temp), f. & cert. ef. 3-5-08 thru 7-28-08; DFW 22-2008(Temp), f. 3-7-08, cert. ef. 3-10-08 thru 7-28-08; Administrative correction 8-21-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 6-2009(Temp), f. 1-30-09, cert. ef. 2-2-09 thru 8-1-09; DFW 11-2009(Temp), f. 2-13-09, cert. ef. 2-16-09 thru 7-31-09; DFW 22-2009(Temp), f. 3-5-09, cert. ef. 3-6-09 thru 7-31-09; Administrative correction 8-21-09; DFW 9-2010(Temp), f. & cert. ef. 2-3-10 thru 8-1-10; DFW 12-2010(Temp), f. 2-10-10, cert. ef. 2-11-10 thru 8-1-10; DFW 18-2010(Temp), f. 2-24-10, cert. ef. 2-26-10 thru 4-1-10; DFW 24-2010(Temp), f. 3-2-10, cert. ef. 3-3-10 thru 4-1-10; Administrative correction 4-21-10; DFW 8-2011(Temp), f. 1-31-11, cert. ef. 2-1-11 thru 4-1-11; DFW 9-2011(Temp), f. 2-9-11, cert. ef. 2-10-11 thru 4-1-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 5-2012(Temp), f. 1-30-12, cert. ef. 2-1-12 thru 3-31-12; DFW 18-2012(Temp), f. 2-28-12, cert. ef. 2-29-12 thru 6-15-12; DFW 19-2012(Temp), f. 3-2-12, cert. ef. 3-5-12 thru 6-15-12; DFW 20-2012(Temp), f. & cert. ef. 3-5-12 thru 6-15-12; DFW 46-2012(Temp), f. 5-14-12, cert. ef. 5-15-12 thru 6-30-12; Administrative correction, 8-1-12; DFW 9-2013(Temp), f. 1-31-13, cert. ef. 2-1-13 thru 3-31-13; DFW 15-2013(Temp), f. 2-22-13, cert. ef. 2-27-13 thru 6-15-13; DFW 18-2013(Temp), f. 3-5-13, cert. ef. 3-6-13 thru 6-15-13; DFW 35-2013(Temp), f. & cert. ef. 5-21-13 thru 6-30-13; DFW 48-2013(Temp), f. 6-7-13, cert. ef. 6-8-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 6-2013(Temp), f. 1-30-14, cert. ef. 2-1-14 thru 7-30-14; DFW 15-2014(Temp), f. 2-25-14, cert. ef. 2-26-14 thru 7-30-14

Rule Caption: Establishes rules regarding Western Oregon Deer Regulations for 2014

Adm. Order No.: DFW 16-2014
Filed with Sec. of State: 2-27-2014
Certified to be Effective: 2-27-14
Notice Publication Date: 9-1-2013
Rules Amended: 635-068-0000

Subject: Establishes the 2014 hunting regulations for western Oregon deer including season dates, bag limits, areas, methods and other restrictions.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-068-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods and other restrictions for hunting western Oregon deer pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2013 are listed in Tables 1 and 2 and are adopted and incorporated into OAR chapter 635, division 068 by reference.

(3) OAR chapter 635, division 068 incorporates, by reference, the requirements for hunting western Oregon deer set out in the document entitled “2014 Oregon Big Game Regulations,” into Oregon Administrative Rules. Therefore, persons must consult the “2014 Oregon Big Game Regulations” in addition to OAR chapter 635, to determine all applicable requirements for hunting western Oregon deer. The annual Oregon Big Game Regulations are available at authorized license agents and regional, district, and headquarters offices of the Oregon Department of Fish and Wildlife.

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

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

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 39-1988, f. & cert. ef. 6-13-88; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 3-2003, f. 1-17-03, cert. ef. 1-20-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 121-2003, f. 12-4-03, cert. ef. 1-19-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 124-2004, f. 12-21-04, cert. ef. 3-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 131-2005, f. 12-1-05, cert. ef. 3-1-06; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 125-2006, f. 12-4-06, cert. ef. 3-1-07; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 116-2007, f. 10-31-07, cert. ef. 3-1-08; DFW 60-2008, f. & cert. ef. 6-12-08; DFW 13-2009, f. 2-19-09, cert. ef. 3-1-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 14-2010, f. 2-16-10, cert. ef. 3-1-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 14-2011, f. 2-15-11, cert. ef. 3-1-11; DFW 62-2011, f. & cert. ef. 6-3-11; DFW 15-2012, f. 2-10-12, cert. ef. 3-1-12; DFW 58-2012, f. & cert. ef. 6-11-12; DFW 14-2013, f. 2-15-13, cert. ef. 3-1-13; DFW 53-2013, f. & cert. ef. 6-10-13; DFW 122-2013, f. & cert. ef. 10-25-13; DFW 16-2014, f. & cert. ef. 2-27-14

Rule Caption: Treaty Winter Gillnet Season Modification

Adm. Order No.: DFW 17-2014(Temp)

Filed with Sec. of State: 2-28-2014

Certified to be Effective: 3-1-14 thru 7-30-14

Notice Publication Date:

Rules Amended: 635-041-0061, 635-041-0065

Rules Suspended: 635-041-0061(T), 635-041-0065(T)

Subject: These amended rules change the fork length for white sturgeon which may be legally retained in Treaty tribe fisheries in the Columbia River between Bonneville Dam and The Dalles Dam effective March 1, 2014. This modification changes the legal slot length from 43-54 inches fork length to 38-54 inches fork length in Bonneville Pool. The rules also close the Winter gillnet fishery in the Columbia River between Bonneville Dam and the Dalles Dam effective Wednesday, March 12, 2014.

These rules also close the Winter gillnet fishery in the Columbia River between the Dalles Dam and the John Day Dam effective March 3, 2014 and re-open the same area Thursday, March 13, 2014 through Saturday March 22, 2014. White sturgeon of legal size may be sold or kept for subsistence use. Modifications are consistent with action taken February 28, 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

ADMINISTRATIVE RULES

635-041-0061

Sturgeon Size

(1) White sturgeon may be taken for commercial purposes by treaty Indian fishers during commercial fishing seasons in which sales of sturgeon are authorized.

(2) Sales are limited to white sturgeon with a fork length of 43–54 inches taken from Zone 6 of the Columbia River between The Dalles and McNary dams and white sturgeon with a fork length of 38–54 inches taken from between the Bonneville Dam and The Dalles Dam.

(3) It is *unlawful* to mutilate or disfigure a sturgeon in any manner which extends or shortens its length to the legal limit, or to possess such sturgeon.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: 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 15-1995, f. & cert. ef. 2-15-95; FWC 12-1997(Temp), f. 2-27-97, cert. ef. 3-1-97; DFW 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cert. ef. 3-3-98; DFW 130-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 4-1-05; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 19-2009, f. & cert. ef. 2-26-09; DFW 6-2013(Temp), f. 1-30-14, cert. ef. 2-1-14 thru 7-30-14; DFW 17-2014(Temp), f. 2-28-14, cert. ef. 3-1-14 thru 7-30-14

635-041-0065

Winter Season

(1) Salmon, steelhead, shad, white sturgeon, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from the Zone 6 Columbia River Treaty Indian Fishery, from 12 noon February 1 to 6:00 p.m. March 22.

(2) Effective 6:00 p.m. Wednesday, February 26, 2014 the winter commercial gillnet fishery in the John Day Pool is closed. The sale of fish defined in (1) above landed prior to Wednesday, 6 p.m. February 26 is allowed after the fishery closes. Fish caught in the platform hook-and-line fishery may not be sold, but may be kept for subsistence purposes.

(3) Effective 6:00 p.m. Wednesday March 12, 2014 the winter gillnet fishery in the Bonneville Pool is closed. The sale of fish defined in (1) above landed prior to 6:00 p.m. Wednesday March 12 is allowed after the fishery closes. Fish caught in the platform hook-and-line fishery may not be sold, but may be kept for subsistence purposes.

(4) Effective 6:00 p.m. Monday March 3, 2014 the winter gillnet fishery in the Dalles Pool is closed. The sale of fish defined in (1) above landed prior to 6:00 p.m. Monday March 3 is allowed after the fishery closes. Fish caught in the platform hook-and-line fishery may not be sold, but may be kept for subsistence purposes. The winter gillnet fishery in the Dalles Pool re-opens at 6 a.m. Thursday March 13, 2014 and will continue seven days per week through 6 p.m. Saturday, March 22, 2014.

(5) There are no mesh size restrictions.

(6) Closed areas as set forth in OAR 635-041-0045 remain in effect.

(7)(a) In the Dalles Pool from 6 p.m. Monday March 3, 2014 through 6 a.m. Thursday March 13, 2014 white sturgeon between 43–54 inches fork length may not be sold but may be retained for subsistence purposes. From 6 a.m. Thursday March 13, 2014 through 6 p.m. Saturday March 22, 2014 white sturgeon between 43–54 inches fork length may be sold or kept for subsistence use.

(b) In the Bonneville Pool effective 6 p.m. Saturday March 1, 2014 white sturgeon between 38–54 inches fork length may be sold or kept for subsistence use. Effective 6 p.m. Wednesday March 12, 2014 white sturgeon between 43–54 inches in fork length caught in the Bonneville Pool may not be sold but retained for subsistence purposes.

(c) White sturgeon between 43–54 inches in fork length caught in the John Day Pool may not be sold but may be retained for subsistence purposes.

(8) Sale of platform and hook-and-line caught fish is allowed during open commercial fishing seasons.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 89, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79; FWC 13-1979(Temp), f. & ef. 3-30-1979, Renumbered from 635-035-0065; FWC 6-1980, f. & ef. 1-28-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 2-1983, f. 1-21-83, cert. ef. 2-1-83; FWC 4-1984, f. & ef. 1-31-84; FWC 2-1985, f. & ef. 1-30-85; FWC 4-1986(Temp), f. & ef. 1-28-86; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87; FWC 3-1988(Temp), f. & cert. ef. 1-29-88; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 5-1989, f. 2-6-89, cert. ef. 2-7-89; FWC 13-1989(Temp), f. & cert. ef. 3-21-89; FWC 15-1990(Temp), f. 2-8-90, cert. ef. 2-9-90; FWC 20-1990, f. 3-6-90, cert. ef. 3-15-90; FWC 13-1992(Temp), f. & cert. ef. 3-5-92; FWC 7-1993, f. & cert. ef. 2-1-93; FWC 12-1993(Temp), f. & cert. ef. 2-22-93; FWC 18-1993(Temp), f. & cert. ef. 3-2-93; FWC 7-1994, f. & cert. ef. 2-1-94; FWC 11-1994(Temp), f. & cert. ef. 2-28-94; FWC 9-1995, f. & cert. ef. 2-1-95; FWC 19-1995(Temp), f. & cert. ef. 3-3-95; FWC 5-1996, f. & cert. ef. 2-7-96; FWC 4-1997, f. & cert. ef. 1-30-97; DFW 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cert. ef. 3-3-98; DFW 20-1998(Temp), f. & cert. ef. 3-13-98 thru 3-20-98; DFW 23-1998(Temp), f. & cert. ef. 3-20-98 thru 6-30-98; DFW 2-1999(Temp), f. & cert. ef. 2-1-99 through 2-19-99; DFW 9-1999, f. & cert. ef. 2-26-99; DFW 14-1999(Temp), f. 3-5-99, cert. ef. 3-6-99 thru 3-20-99;

Administrative correction 11-17-99; DFW 6-2000(Temp), f. & cert. ef. 2-1-00 thru 2-29-00; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 19-2000, f. 3-18-00, cert. ef. 3-18-00 thru 3-21-00; DFW 26-2000(Temp), f. 5-4-00, cert. ef. 5-6-00 thru 5-28-00; Administrative correction 5-22-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 14-2001(Temp), f. 3-12-01, cert. ef. 3-14-01 thru 3-21-01; Administrative correction 6-20-01; DFW 9-2002, f. & cert. ef. 2-1-02; DFW 11-2002(Temp), f. & cert. ef. 2-8-02 thru 8-7-02; DFW 17-2002(Temp), f. 3-7-02, cert. ef. 3-8-02 thru 9-1-02; DFW 18-2002(Temp), f. 3-13-02, cert. ef. 3-15-02 thru 9-11-02; DFW 134-2002(Temp), f. & cert. ef. 12-19-02 thru 4-1-03; DFW 20-2003(Temp), f. 3-12-03, cert. ef. 3-13-03 thru 4-1-03; DFW 131-2003(Temp), f. 12-26-03, cert. ef. 1-1-04 thru 4-1-04; DFW 5-2004(Temp), f. 1-26-04, cert. ef. 2-2-04 thru 4-1-04; DFW 15-2004(Temp), f. 3-8-04, cert. ef. 3-10-04 thru 4-1-04; DFW 130-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 4-1-05; DFW 4-2005(Temp), f. & cert. ef. 1-31-05 thru 4-1-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 3-2006(Temp), f. & cert. ef. 1-27-06 thru 3-31-06; Administrative correction 4-19-06; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 14-2007(Temp), f. & cert. ef. 3-9-07 thru 9-4-07; DFW 15-2007(Temp), f. & cert. ef. 3-14-07 thru 9-9-07; Administrative correction 9-16-07; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 20-2008(Temp), f. 2-28-08, cert. ef. 2-29-08 thru 7-28-08; DFW 21-2008(Temp), f. & cert. ef. 3-5-08 thru 7-28-08; DFW 22-2008(Temp), f. 3-7-08, cert. ef. 3-10-08 thru 7-28-08; Administrative correction 8-21-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 6-2009(Temp), f. 1-30-09, cert. ef. 2-2-09 thru 8-1-09; DFW 11-2009(Temp), f. 2-13-09, cert. ef. 2-16-09 thru 7-31-09; DFW 22-2009(Temp), f. 3-5-09, cert. ef. 3-6-09 thru 7-31-09; Administrative correction 8-21-09; DFW 9-2010(Temp), f. & cert. ef. 2-3-10 thru 8-1-10; DFW 12-2010(Temp), f. 2-10-10, cert. ef. 2-11-10 thru 8-1-10; DFW 18-2010(Temp), f. 2-24-10, cert. ef. 2-26-10 thru 4-1-10; DFW 24-2010(Temp), f. 3-2-10, cert. ef. 3-3-10 thru 4-1-10; Administrative correction 4-21-10; DFW 8-2011(Temp), f. 1-31-11, cert. ef. 2-1-11 thru 4-1-11; DFW 9-2011(Temp), f. 2-9-11, cert. ef. 2-10-11 thru 4-1-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 5-2012(Temp), f. 1-30-12, cert. ef. 2-1-12 thru 3-31-12; DFW 18-2012(Temp), f. 2-28-12, cert. ef. 2-29-12 thru 6-15-12; DFW 19-2012(Temp), f. 3-2-12, cert. ef. 3-5-12 thru 6-15-12; DFW 20-2012(Temp), f. & cert. ef. 3-5-12 thru 6-15-12; DFW 46-2012(Temp), f. 5-14-12, cert. ef. 5-15-12 thru 6-30-12; Administrative correction, 8-1-12; DFW 9-2013(Temp), f. 1-31-13, cert. ef. 2-1-13 thru 3-31-13; DFW 15-2013(Temp), f. 2-22-13, cert. ef. 2-27-13 thru 6-15-13; DFW 18-2013(Temp), f. 3-5-13, cert. ef. 3-6-13 thru 6-15-13; DFW 35-2013(Temp), f. & cert. ef. 5-21-13 thru 6-30-13; DFW 48-2013(Temp), f. 6-7-13, cert. ef. 6-8-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 6-2013(Temp), f. 1-30-14, cert. ef. 2-1-14 thru 7-30-14; DFW 15-2014(Temp), f. 2-25-14, cert. ef. 2-26-14 thru 7-30-14; DFW 17-2014(Temp), f. 2-28-14, cert. ef. 3-1-14 thru 7-30-14

Rule Caption: Modified 2014 Commercial Winter Fishery for Youngs Bay Select Area

Adm. Order No.: DFW 18-2014(Temp)

Filed with Sec. of State: 3-7-2014

Certified to be Effective: 3-10-14 thru 7-30-14

Notice Publication Date:

Rules Amended: 635-042-0145

Rules Suspended: 635-042-0145(T)

Subject: The amended rules modify the winter season commercial fishery in the Columbia River Youngs Bay Select Area. Modifications are consistent with the action taken March 6, 2014 by The State of Oregon Action.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0145

Youngs Bay Salmon Season

(1) Salmon and shad may be taken for commercial purposes in waters of Youngs Bay as described below.

(a) The 2014 open fishing periods are established in three segments categorized as the winter fishery, subsection (1)(a)(A); the spring fishery, subsection (1)(a)(B); and summer fishery, subsection (1)(a)(C), as follows:

(A) Winter Season: Entire Youngs Bay: Mondays, Wednesdays and Thursdays from February 10 through March 7 (12 days) open hours are from 6:00 a.m. to midnight (18 hours) on Mondays and Thursdays, and 6:00 a.m. to 6:00 p.m. (12 hours) on Wednesdays. Beginning March 10 the following open periods apply:

Monday, March 10 — 6 a.m.-midnight (18 hrs.);
Wednesday March 12 — 6 a.m.-6:00 p.m. (12 hrs.);
Thursday, March 13 — 6:00 a.m.-midnight (18 hrs.);
Monday, March 17 — 8:00 p.m.-midnight (4 hrs.);
Wednesday, March 19 — 9:00 a.m.-1:00 p.m. (4 hrs.);
Thursday, March 20 — 9:00 p.m.-1:00 a.m. Friday, March 21 (4 hrs.);
Monday, March 24 — 2:00 p.m.-6:00 p.m. (4 hrs.);
Wednesday, March 26, 4:00 p.m.-8:00 p.m. (4 hrs.).

(B) Spring Season: Entire Youngs Bay from April 17 through Friday, June 13 (14 days total) during the following periods:

Thursday, April 17 — 6:00 p.m.-midnight (6 hrs.);
Tuesday, April 22 — 9:00 a.m.-9:00 p.m. (12 hrs.);
Thursday, April 24 — 7:00 p.m.-7:00 a.m. Friday, April 25 (12 hrs.);
Monday, April 28 — 9:00 a.m.-9:00 p.m. (12 hrs.);
Wednesday, April 30 — 9:00 a.m.-9:00 p.m. (12 hrs.);
Thursday, May 1 — 9:00 a.m.-9:00 p.m. (12 hrs.);
Monday, May 5 — 9:00 a.m.-3:00 a.m. Tuesday May 6 (18 hrs.);
Wednesday, May 7 — 9:00 a.m.-9:00 p.m. (12 hrs.);
Thursday, May 8 — 9:00 a.m.-3:00 a.m. Friday May 9 (18 hrs.); and
Noon Monday through Noon Friday (4 days/week) from May 12 through June 13 (20 days).

ADMINISTRATIVE RULES

(C) Summer Season: Beginning June 16 the following open periods apply:

Noon Monday through Noon Friday (4 days/week) from June 16 through July 4 (12 days);
Noon Monday July 7 through Noon Thursday July 10 (3 days); and
Noon Tuesday through Noon Thursday (48 hrs/week) from July 15 through July 31 (6 days).

(b) For the winter fisheries, the waters of Youngs Bay from the Highway 101 Bridge upstream to the upper boundary markers at the confluence of the Klaskanine and Youngs rivers including the lower Walluski River upstream to the Highway 202 Bridge are open. Those waters southerly of the alternate Highway 101 Bridge (Lewis and Clark River) are closed. For the spring and summer fisheries the fishing area is identified as the waters of Youngs Bay from the Highway 101 Bridge upstream to the upper boundary markers at the confluence of the Klaskanine and Youngs rivers and includes the lower Lewis and Clark River upstream to the overhead power lines immediately upstream of Barrett Slough.

(2) Gill nets may not exceed 1,500 feet (250 fathoms) in length and weight may not exceed two pounds per any fathom except the use of additional weights and/or anchors attached directly to the leadline is allowed upstream of markers located approximately 200 yards upstream of the mouth of the Walluski River during all Youngs Bay commercial fisheries. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25-fathom intervals must be in color contrast to the corks used in the remainder of the net.

(a) It is *unlawful* to use a gill net having a mesh size that is less than 7 inches during the winter season. It is *unlawful* to use a gill net having a mesh size that is more than 9.75 inches during the spring and summer seasons.

(b) Nets not specifically authorized for use in these areas may be onboard a vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(3) Non-resident commercial fishing and boat licenses are not required for Washington fishers participating in Youngs Bay commercial fisheries. A valid fishing and boat license issued by the state of Washington is considered adequate for participation in this fishery. The open area for non-resident commercial fishers includes all areas open for commercial fishing.

Stat. Auth.: ORS 183.325, 506.109 & 506.119
Stats. Implemented: ORS 506.129 & 507.030
Hist.: FWC 32-1979, f. & cert. ef. 8-22-79; FWC 28-1980, f. & cert. ef. 6-23-80; FWC 42-1980(Temp), f. & cert. ef. 8-22-80; FWC 30-1981, f. & cert. ef. 8-14-81; FWC 42-1981(Temp), f. & cert. ef. 11-5-81; FWC 54-1982, f. & cert. ef. 8-17-82; FWC 37-1983, f. & cert. ef. 8-18-83; FWC 61-1983(Temp), f. & cert. ef. 10-19-83; FWC 42-1984, f. & cert. ef. 8-20-84; FWC 39-1985, f. & cert. ef. 8-15-85; FWC 37-1986, f. & cert. ef. 8-11-86; FWC 72-1986(Temp), f. & cert. ef. 10-31-86; FWC 64-1987, f. & cert. ef. 8-7-87; FWC 73-1988, f. & cert. ef. 8-19-88; FWC 55-1989(Temp), f. & cert. ef. 8-20-89; FWC 82-1990(Temp), f. & cert. ef. 8-14-90, cert. ef. 8-19-90; FWC 86-1991, f. & cert. ef. 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. & cert. ef. 5-22-92, cert. ef. 5-25-92; FWC 74-1992(Temp), f. & cert. ef. 8-10-92, cert. ef. 8-16-92; FWC 28-1993(Temp), f. & cert. ef. 4-26-93; FWC 48-1993, f. & cert. ef. 8-6-93, cert. ef. 8-9-93; FWC 21-1994(Temp), f. & cert. ef. 4-22-94, cert. ef. 4-25-94; FWC 51-1994, f. & cert. ef. 8-19-94, cert. ef. 8-22-94; FWC 64-1994(Temp), f. & cert. ef. 9-14-94, cert. ef. 9-15-94; FWC 66-1994(Temp), f. & cert. ef. 9-20-94; FWC 27-1995, f. & cert. ef. 3-29-95, cert. ef. 4-1-95; FWC 48-1995(Temp), f. & cert. ef. 6-5-95; FWC 66-1995, f. & cert. ef. 8-22-95, cert. ef. 8-27-95; FWC 69-1995, f. & cert. ef. 8-25-95, cert. ef. 8-27-95; FWC 8-1995, f. & cert. ef. 2-28-96, cert. ef. 3-1-96; FWC 37-1996(Temp), f. & cert. ef. 6-11-96, cert. ef. 6-12-96; FWC 41-1996, f. & cert. ef. 8-12-96; FWC 45-1996(Temp), f. & cert. ef. 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. & cert. ef. 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. & cert. ef. 8-2-01, cert. ef. 8-6-01 thru 8-14-01; DFW 76-2001(Temp), f. & cert. ef. 8-20-01 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. & cert. ef. 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. & 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. & cert. ef. 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. & 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. & cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. & cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. & cert. ef. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. & cert. ef. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 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. & cert. ef. 5-17-05, cert. ef. 5-18-05 thru 10-16-05; DFW 73-2005(Temp), f. & cert. ef. 7-8-05, cert. ef. 7-11-05 thru 7-31-05; DFW 77-2005(Temp), f. & cert. ef. 7-14-05, cert. ef. 7-18-05 thru 7-31-05; DFW 85-2005(Temp), f. & cert. ef. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-

2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. & cert. ef. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 14-2006(Temp), f. & 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. & cert. ef. 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. & cert. ef. 8-2-06 thru 12-31-06; DFW 103-2006(Temp), f. & 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. & cert. ef. 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. & cert. ef. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 45-2007(Temp), f. & cert. ef. 6-15-07, cert. ef. 6-25-07 thru 7-31-07; DFW 50-2007(Temp), f. & cert. ef. 6-29-07, cert. ef. 7-4-07 thru 7-31-07; DFW 61-2007(Temp), f. & cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. & cert. ef. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative correction 1-24-08; DFW 6-2008(Temp), f. & cert. ef. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. & cert. ef. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 30-2008(Temp), f. & cert. ef. 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. & cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. & cert. ef. 9-9-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. & cert. ef. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 24-2009(Temp), f. & cert. ef. 3-10-09, cert. ef. 3-11-09 thru 7-31-09; DFW 49-2009(Temp), f. & cert. ef. 5-14-09, cert. ef. 5-17-09 thru 7-31-09; DFW 89-2009(Temp), f. & cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. & cert. ef. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; 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. & cert. ef. 3-14-10 thru 7-31-10; DFW 35-2010(Temp), f. & cert. ef. 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. & cert. ef. 8-2-10, cert. ef. 8-4-10 thru 10-31-10; DFW 129-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; Administrative correction 11-23-10; DFW 12-2011(Temp), f. & cert. ef. 2-10-11, cert. ef. 2-13-11 thru 7-29-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 32-2011(Temp), f. & cert. ef. 4-20-11, cert. ef. 4-21-11 thru 7-29-11; DFW 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. & cert. ef. 6-24-11, cert. ef. 6-27-11 thru 7-29-11; DFW 106-2011(Temp), f. & cert. ef. 8-3-11 thru 10-31-11; DFW 121-2011(Temp), f. & cert. ef. 8-29-11, cert. ef. 9-5-11 thru 10-31-11; Administrative correction 11-18-11; DFW 12-2012(Temp), f. & cert. ef. 2-8-12, cert. ef. 2-12-12 thru 7-31-12; DFW 24-2012(Temp), f. & cert. ef. 3-15-12, cert. ef. 3-18-12 thru 7-31-12; DFW 26-2012(Temp), f. & cert. ef. 3-20-12, cert. ef. 3-21-12 thru 7-31-12; DFW 27-2012(Temp), f. & cert. ef. 3-27-12, cert. ef. 3-29-12 thru 7-31-12; DFW 28-2012(Temp), f. & cert. ef. 3-30-12, cert. ef. 4-1-12 thru 7-31-12; DFW 30-2012(Temp), f. & cert. ef. 4-4-12, cert. ef. 4-5-12 thru 7-31-12; DFW 36-2012(Temp), f. & cert. ef. 4-16-12, cert. ef. 4-19-12 thru 7-31-12; DFW 82-2012(Temp), f. & cert. ef. 6-29-12, cert. ef. 7-2-12 thru 7-31-12; DFW 96-2012(Temp), f. & cert. ef. 7-30-12, cert. ef. 8-1-12 thru 10-31-12; Administrative correction 11-23-12; DFW 11-2013(Temp), f. & cert. ef. 2-8-13, cert. ef. 2-11-13 thru 7-31-13; DFW 22-2013(Temp), f. & cert. ef. 3-12-13, cert. ef. 3-13-13 thru 7-31-13; DFW 34-2013(Temp), f. & cert. ef. 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. & cert. ef. 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. & cert. ef. 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. & cert. ef. 3-7-14, cert. ef. 3-10-14 thru 7-30-14

Rule Caption: Establishes Rules Regarding Western Oregon and Rocky Mountain Elk Regulations for 2014

Adm. Order No.: DFW 19-2014

Filed with Sec. of State: 3-11-2014

Certified to be Effective: 3-11-14

Notice Publication Date: 9-1-2013

Rules Amended: 635-070-0000, 635-070-0020, 635-071-0000

Subject: Establishes 2014 season dates, bag limits, areas and restrictions for Western Oregon elk and Rocky Mountain elk as outlined in the 2014 Big Game Regulations.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-070-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods and other restrictions for hunting Cascade and Coast elk pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2013 are listed in Tables 1 and 2 and are adopted and incorporated into OAR chapter 635, division 70 by reference.

(3) OAR chapter 635, division 70 incorporates, by reference, the requirements for hunting western Oregon elk set out in the document entitled "2014 Oregon Big Game Regulations", into Oregon Administrative Rules. Therefore, persons must consult the "2014 Oregon Big Game Regulations" in addition to OAR chapter 635, to determine all applicable requirements for hunting western Oregon elk. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

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

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

ADMINISTRATIVE RULES

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 41-1988, f. & cert. ef. 6-13-88; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. & cert. ef. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. & cert. ef. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. & cert. ef. 12-24-01, cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 9-2003(Temp), f. & cert. ef. 1-28-03 thru 6-16-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 119-2003, f. & cert. ef. 12-4-03, cert. ef. 4-1-04; DFW 130-2003(Temp), f. & cert. ef. 12-24-03 thru 3-1-04; DFW 8-2004(Temp), f. & cert. ef. 2-2-04 thru 7-31-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 107-2004(Temp), f. & cert. ef. 10-18-04 thru 11-27-04; DFW 131-2004, f. & cert. ef. 12-21-04, cert. ef. 4-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 132-2005, f. & cert. ef. 12-1-05, cert. ef. 4-1-06; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 126-2006, f. & cert. ef. 12-7-06, cert. ef. 4-1-07; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 115-2007, f. & cert. ef. 10-31-07, cert. ef. 4-1-08; DFW 60-2008, f. & cert. ef. 6-12-08; DFW 31-2009, f. & cert. ef. 3-23-09, cert. ef. 4-1-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 22-2010, f. & cert. ef. 3-1-10, cert. ef. 4-1-10; DFW 31-2010, f. & cert. ef. 3-12-10, cert. ef. 4-1-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 62-2011, f. & cert. ef. 6-3-11; DFW 22-2012, f. & cert. ef. 3-14-12, cert. ef. 4-1-12; DFW 58-2012, f. & cert. ef. 6-11-12; DFW 21-2013, f. & cert. ef. 3-11-13, cert. ef. 4-1-13; DFW 53-2013, f. & cert. ef. 6-10-13; DFW 19-2014, f. & cert. ef. 3-11-14

635-070-0020

Controlled Western Oregon Elk Rifle Hunts

Tags shall be issued by a controlled hunt drawing following the procedures established in OAR chapter 635, division 60. A person successful in drawing a tag for a controlled elk season shall not hunt in any other elk season, except as provided in OAR chapter 635, division 90, or they may hunt in any controlled elk season for which they possess a "left over" tag obtained through the first-come, first-serve process.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 9-1997, f. & cert. ef. 2-27-97; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 10-2013, f. & cert. ef. 2-7-13; DFW 123-2013(Temp), f. & cert. ef. 11-1-13 thru 2-15-14; DFW 11-2014(Temp), f. & cert. ef. 2-12-14 thru 3-31-14; DFW 19-2014, f. & cert. ef. 3-11-14

635-071-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods and other restrictions for hunting Rocky Mountain elk pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2013 are listed in Tables 1 and 2 and are adopted and incorporated in OAR chapter 635, division 71 by reference.

(3) OAR chapter 635, division 71 incorporates, by reference, the requirements for hunting Rocky Mountain elk set out in the document entitled "2014 Oregon Big Game Regulations", into Oregon Administrative Rules. Therefore, persons must consult the "2014 Oregon Big Game Regulations" in addition to OAR chapter 635, to determine all applicable requirements for hunting Rocky Mountain elk. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

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

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 42-1988, f. & cert. ef. 6-13-88; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. & cert. ef. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. & cert. ef. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, 6-13-01; DFW 121-2001, f. & cert. ef. 12-24-01, cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 9-2003(Temp), f. & cert. ef. 1-28-03 thru 6-16-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 118-2003, f. & cert. ef. 12-4-03, cert. ef. 1-1-04; DFW 1-2004(Temp), f. & cert. ef. 1-13-04 thru 7-9-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 105-2004(Temp), f. & cert. ef. 10-13-04 thru 11-15-04, Administrative correction 11-22-04; DFW 131-2004, f. & cert. ef. 12-21-04, cert. ef. 4-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 132-2005, f. & cert. ef. 12-1-05, cert. ef. 4-1-06; DFW 22-2006(Temp), f. & cert. ef. 4-7-06 thru 10-4-06; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 126-2006, f. & cert. ef. 12-7-06, cert. ef. 4-1-07; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 115-2007, f. & cert. ef. 10-31-07, cert. ef. 4-1-08; DFW 60-2008, f. & cert. ef. 6-12-08; DFW 31-2009, f. & cert. ef. 3-23-09, cert. ef. 4-1-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 22-2010, f. & cert. ef. 3-1-10, cert. ef. 4-1-10; DFW 31-2010, f. & cert. ef. 3-12-10, cert. ef. 4-1-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 62-2011, f. & cert. ef. 6-3-11; DFW 22-2012, f. & cert. ef. 3-14-12, cert. ef. 4-1-12; DFW 58-2012, f. & cert. ef. 6-11-12; DFW 21-2013, f. & cert. ef. 3-11-13, cert. ef. 4-1-13; DFW 53-2013, f. & cert. ef. 6-10-13; DFW 19-2014, f. & cert. ef. 3-11-14

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Rule Caption: Amend Wildlife Integrity Rules to Classify Species as Non-Controlled or Prohibited

Adm. Order No.: DFW 20-2014

Filed with Sec. of State: 3-11-2014

Certified to be Effective: 3-11-14

Notice Publication Date: 2-1-2014

Rules Adopted: 635-056-0002

Rules Amended: 635-056-0000, 635-056-0050, 635-056-0060, 635-056-0130, 635-056-0140, 635-056-0150

Subject: Amendments to the wildlife integrity rules which involve adding six species to the non-controlled classification and three species to the prohibited classification as well as minor amendments to the reclassification request process.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-056-0000

Purpose and General Information

The purpose of these rules is to protect Oregon's native wildlife. These rules aim for this goal by regulating human actions involving nonnative wildlife (whether those actions involve trade in nonnative wildlife or involve interaction with nonnative species in the wild). The rules allow private use or ownership of nonnative species to the extent that they do not pose a significant risk of harm to native species.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 59-1997, f. & cert. ef. 9-3-97; DFW 99-1998, f. & cert. ef. 12-22-98; DFW 94-1999, f. & cert. ef. 12-23-99; DFW 79-2000, f. & cert. ef. 12-22-00; DFW 116-2001, f. & cert. ef. 12-18-01; DFW 114-2008, f. & cert. ef. 9-19-08; DFW 15-2011, f. & cert. ef. 2-15-11; DFW 20-2014, f. & cert. ef. 3-11-14

635-056-0002

Taxonomy

(1) In the matter of scientific taxonomic nomenclature and common names the following are authoritative:

(a) Mammals — Wilson, D. E. and D. M. Reeder, Editors. 2005. *Mammal Species of the World. A Taxonomic and Geographic Reference*. 3rd Edition. Johns Hopkins University Press

(b) Birds — Clements, J.F. 2007. *The Clements Checklist of Birds of the World*, Sixth Edition. Cornell University, Ithaca, New York.

(c) Amphibians and Reptiles — Frank, N. and E. Ramus. 1996. *A Complete Guide to Scientific and Common Names of Reptiles and Amphibians of the World*. N G Publishing, Pottsville, Pennsylvania.

(d) Fish (except subfamily Serrisalminae) — Nelson, J.S. et al. 2004. *Common and Scientific Names of Fishes from the United States, Canada, and Mexico*. 6th Edition. American Fisheries Society Special Publication 29. American Fisheries Society, Bethesda, Maryland; Robbins, C.L. et al. 1991. *World Fishes Important to North Americans*. Special Publication 21. American Fisheries Society, Bethesda, Maryland; Subfamily Serrisalminae: Reis, R.E., S. Kullander and C. Ferraris, Jr., Editors. 2003. *Check List of the Freshwater Fishes of South and Central America*. ERIDUCRS. Porto Alegre. Brazil.

(e) Mollusks — Turgeon, D.D. 1998. *Common and Scientific Names of Aquatic Invertebrates from the United States and Canada: Mollusks*, 2nd Edition. American Fisheries Society Special Publication 26. American Fisheries Society, Bethesda, Maryland.

(f) Crustaceans (except whiteleg shrimp) — McLaughlin, P.A. 2005. *Common and Scientific Names of Aquatic Invertebrates from the United States and Canada: Crustaceans*, American Fisheries Society Special Publication 31. American Fisheries Society, Bethesda, Maryland. Whiteleg shrimp: Holthius, L.B. 1980. *Shrimps and Prawns of the World: An Annotated Catalogue of Species of Interest to Fisheries*. Food and Agriculture Organization Fisheries Synopsis no. 125, vol. 1.

(2) If the taxonomic status of individual species is changed through subsequent publications scientific taxonomy shall remain as cited in 635-056 for the purposes of implementing and enforcing 635-056-0000 through 635-056-0150.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: DFW 20-2014, f. & cert. ef. 3-11-14

635-056-0050

Prohibited Species

(1) Except as otherwise provided in these rules or other rules of the commission, live wildlife listed below may not be imported, possessed, sold, purchased, exchanged or transported in the state:

(a) Prohibited Mammals: Common Name — Family — Genus/species:

(A) Order Artiodactyla:

(i) Sheep, Goats, Chamois, Tahr — Bovidae — Subfamily Caprinae;

All species and hybrids except:

(I) *Capra hircus*;

ADMINISTRATIVE RULES

- (II) *Ovis aries*;
- (III) hybrids of *Ovis aries* with *O. a. orientalis*; hybrids of *O. aries* with *Ammotragus lervia*; and hybrids of *O. aries* with *Pseudois nayaur*;
- (ii) Wildebeest — Bovidae — *Connochaetes* All species and hybrids;
- (iii) Central Asian gazelles — Bovidae — *Procapra* All species and hybrids;
- (iv) Wild boar — Suidae — *Sus scrofa* (except *Sus scrofa domestica*).
- (B) Order Carnivora:
- (i) Wild canids — Canidae — All native species. However, fox (*Vulpes vulpes* and *Urocyon cinereoargenteus*) are exempt from this prohibition if when part of a commercial fur farming operation or for wildlife rehabilitation purposes by a licensed wildlife rehabilitator;
- (ii) Mongooses — Herpestidae — All species and hybrids;
- (iii) North American Otter, Eastern subspecies — Mustelidae — *Lontra canadensis laxiana*
- (iv) Asian Small-clawed Otter — Mustelidae — *Lutrinae Aonyx cinerea*
- (v) Civets and Genets — Viverridae — All species and hybrids (except *Arctictis binturong*)
- (C) Order Chiroptera: Bats — All families except Pteropodidae — All species and hybrids.
- (D) Order Cingulata: Nine-banded armadillo — Dasypodidae — *Dasypus novemcinctus*.
- (E) Order Dasyuromorphia:
- (i) Broad-footed marsupial mice — Dasyuridae — *Antechinus* All species and hybrids;
- (ii) Brush-tailed marsupial mice — Dasyuridae — *Phascogale* All species and hybrids;
- (iii) Dunnant — Dasyuridae — *Sminthopsis* All species and hybrids.
- (F) Order Didelphimorphia: Virginia opossum — Didelphidae — *Didelphis virginiana*.
- (G) Order Diprotodontia:
- (i) Common brushtail — Phalangeridae — *Trichosurus vulpecula*;
- (ii) Common ringtail — Pseudocheiridae — *Pseudocheirus peregrinus*.
- (H) Order Erinaceomorpha: Eurasian hedgehogs — Erinaceidae — *Erinaceus europaeus*, *E. concolor*, *E. amurensis*.
- (I) Order Lagomorpha:
- (i) Hares and Jackrabbits — Leporidae — *Lepus* All nonnative species and hybrids;
- (ii) Cottontails — Leporidae — *Sylvilagus* All nonnative species and hybrids.
- (J) Order Rodentia:
- (i) Argentine Plains viscacha — Chinchillidae — *Lagostomus maximus*;
- (ii) Chinese jumping mouse — Dipodidae — *Eozapus setchuanus*;
- (iii) Desert jerboas — Dipodidae — *Jaculus* All species and hybrids;
- (iv) Kangaroo rats — Heteromyidae — *Dipodomys* All nonnative species except *D. deserti* and *D. spectabilis*;
- (v) Pale kangaroo mouse — Heteromyidae — *Microdipodops pallidus*;
- (vi) Pocket mice — Heteromyidae — *Perognathus* All nonnative species and hybrids;
- (vii) Capybara — Hydrochaeridae — *Hydrochaeris hydrochaeris*;
- (viii) Old world porcupines — Hystricidae — *Hystrix africae australis*, *H. cristata*, and *H. indica*;
- (ix) Mouselike hamster — Muridae — *Calomyscus* All species and hybrids;
- (x) Ratlike hamsters — Muridae — *Cricetulus* All species and hybrids;
- (xi) Bushy-tailed jird — Muridae — *Sekeetamys calurus*;
- (xii) Nutria (Coypu) — Myocastoridae — *Myocastor coypus*;
- (xiii) Fat dormouse — Myoxidae — *Glis glis*;
- (xiv) Hazel dormouse — Myoxidae — *Muscardinus avellanarius*;
- (xv) Antelope ground squirrels — Sciuridae — *Ammospermophilus* All nonnative species and hybridsexcept *A. harrisi*;
- (xvi) Tricolored squirrels — Sciuridae — *Callosciurus* All species and hybrids except *C. prevostii*;
- (xvii) Prairie dogs — Sciuridae — *Cynomys* All species and hybrids;
- (xviii) Southern flying squirrel — Sciuridae — *Glaucomys volans*;
- (xix) Marmots — Sciuridae — *Marmota* All nonnative species and hybrids;
- (xx) Giant flying squirrel — Sciuridae — *Petaurista* All species and hybrids;
- (xxi) Eastern gray squirrel — Sciuridae — *Sciurus carolinensis*;
- (xxii) Eastern fox squirrel — Sciuridae — *Sciurus niger*;
- (xxiii) Eurasian red squirrel — Sciuridae — *Sciurus vulgaris*;
- (xxiv) Ground squirrels — Sciuridae — *Spermophilus* All nonnative species and hybrids except *S. adocetus*, *S. annulatus*, *S. atricapillus*, *S. madrensis*, *S. mexicanus*, *S. mohavensis*, *S. perotensis*, and *S. tereticaudus*;
- (xxv) Chipmunks — Sciuridae — *Tamias* All nonnative species and hybrids;
- (xxvi) African ground squirrels — Sciuridae — *Xerus* All species and hybrids.
- (b) Prohibited Birds: Common Name — Family — Genus/species:
- (A) Order Anseriformes: Egyptian goose — Anatidae — *Alopochen aegyptiaca*.
- (B) Order Charadriiformes: Spotted thick-knee — Burhinidae — *Burhinus capensis*.
- (C) Order Coraciiformes:
- (i) Malachite kingfisher — Alcedinidae — *Alcedo cristata*;
- (ii) Laughing kookaburra — Alcedinidae — *Dacelo novaeguineae*.
- (D) Order Passeriformes:
- (i) Yellowhammer — Emberizidae — *Emberiza citrinella*;
- (ii) European greenfinch — Fringillidae — *Carduelis chloris*;
- (iii) Chaffinch — Fringillidae — *Fringilla coelops*.
- (c) Prohibited Amphibians: Common Name — Family — Genus/species:
- (A) Order Caudata:
- (i) Tiger salamander — Ambystomatidae — *Ambystoma tigrinum* All nonnative sub-species;
- (ii) Amphiumas — Amphiumidae — All species and hybrids;
- (iii) Giant salamanders and Hellbenders — Cryptobranchidae — All species and hybrids;
- (iv) American giant salamanders — Dicamptodontidae — All nonnative species and hybrids;
- (v) Asian salamanders — Hynobiidae — *Ranodon* All species and hybrids;
- (vi) Shovel-nosed salamander — Plethodontidae — *Leurognathus marmoratus*;
- (vii) Waterdogs — Proteidae — *Necturus* All species and hybrids;
- (viii) Firebelly newts — Salamandridae — *Cynops* All species and hybrids;
- (ix) European Mountain or Brook salamanders — Salamandridae — *Euproctus* All species and hybrids;
- (x) Caucasus or Spine-tailed salamanders — Salamandridae — *Mertensiella* All species and hybrids;
- (xi) Red-spotted or Eastern newt -- Salamandridae -- *Notophthalmus viridescens*;
- (xii) Chinese newts — Salamandridae — *Pachytriton* All species and hybrids;
- (xiii) Warty newts — Salamandridae — *Paramesotriton* All species and hybrids;
- (xiv) Ribbed newts — Salamandridae — *Pleurodeles* All species and hybrids;
- (xv) Fire salamanders — Salamandridae — *Salamandra* All species and hybrids;
- (xvi) Roughskin newts — Salamandridae — *Taricha rivularis* and *T. torosa*;
- (xvii) Alpine newts — Salamandridae — *Triturus* All species and hybrids;
- (xviii) Crocodile newts — Salamandridae — *Tylostrotion* All species and hybrids;
- (xix) Sirens — Sirenidae — All species and hybrids.
- (B) Order Anura:
- (i) Fire-bellied toads — Bombinatoridae — *Bombina* All species and hybrids;
- (ii) True toads — Bufonidae — *Bufo* All nonnative species and hybrids except *Bufo marinus*;
- (iii) Midwife toads — Discoglossidae — *Alytes* All species and hybrids;
- (iv) Painted frogs — Discoglossidae — *Discoglossus* All species and hybrids;
- (v) Cricket frog — Hylidae — *Acris* All species and hybrids;
- (vi) European tree frog — Hylidae — *Hyla arborea*;
- (vii) Cope's gray tree frog — Hylidae — *Hyla chrysoscelis*;
- (viii) Green tree frog — Hylidae — *Hyla cinerea*;
- (ix) Mediterranean tree frog — Hylidae — *Hyla meridionalis*;
- (x) Gray tree frog — Hylidae — *Hyla versicolor*;

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- (xi) Chorus frog — Hylidae — *Pseudacris* All nonnative species and hybrids;
- (xii) Australian froglets — Myobatrachidae — *Crinia* All species and hybrids;
- (xiii) Australian swamp frogs — Myobatrachidae — Limnodynastes All species and hybrids;
- (xiv) Barred frogs — Myobatrachidae — Mixophyes All species and hybrids;
- (xv) Spadefoot toads — Pelobatidae — All nonnative species and hybrids;
- (xvi) African clawed frog — Pipidae — *Xenopus* All species and hybrids;
- (xvii) African bull frog — Ranidae — *Pyxicephalus* All species and hybrids;
- (xviii) Siberian frog — Ranidae — *Rana altaica*;
- (xix) Khabarovsk frog — Ranidae — *Rana amurensis*;
- (xx) Crawfish frog — Ranidae — *Rana areolata*;
- (xxi) Swedish swamp frog — Ranidae — *Rana arvalis*;
- (xxii) Asian frog — Ranidae — *Rana asiatica*;
- (xxiii) Rio Grande leopard frog — Ranidae — *Rana berlandieri*;
- (xxiv) Plains leopard frog — Ranidae — *Rana blairi*;
- (xxv) Caucasus frog — Ranidae — *Rana camerani*;
- (xxvi) Inkiapo frog — Ranidae — *Rana chensinensis*;
- (xxvii) Toudaohe frog — Ranidae — *Rana chevronta*;
- (xxviii) Green frog — Ranidae — *Rana clamitans*;
- (xxix) Spring frog — Ranidae — *Rana dalmatina*;
- (xxx) Dybowski's frog — Ranidae — *Rana dybowskii*;
- (xxxi) Stream frog — Ranidae — *Rana graeca*;
- (xxxii) Pig frog — Ranidae — *Rana grylio*;
- (xxxiii) River frog — Ranidae — *Rana heckscheri*;
- (xxxiv) Turkish frog — Ranidae — *Rana holtzi*;
- (xxxv) Iberian frog — Ranidae — *Rana iberica*;
- (xxxvi) Agile frog — Ranidae — *Rana japonica*;
- (xxxvii) Italian agile frog — Ranidae — *Rana latastei*;
- (xxxviii) Kokarit or Taipa frog — Ranidae — *Rana longicrus*;
- (xxxix) Brusa frog — Ranidae — *Rana macrocnemis*;
- (xl) Nikko frog — Ranidae — *Rana ornativentris*;
- (xli) Pickeral frog — Ranidae — *Rana palustris*;
- (xlii) Mink frog — Ranidae — *Rana septentrionalis*;
- (xliii) Wood frog — Ranidae — *Rana sylvatica*;
- (xliv) Tago frog — Ranidae — *Rana tagoe*;
- (xlv) European common frog — Ranidae — *Rana temporaria*;
- (xlvi) Tsushima frog — Ranidae — *Rana tsushimensis*;
- (xlvii) Carpenter frog — Ranidae — *Rana virgatipes*.
- (d) Prohibited Reptiles: Common Name — Family — Genus/species:
- (A) Order Testudines:
- (i) Snapping turtle — Chelydridae — All species and hybrids;
- (ii) Chinese pond turtle — Emydidae — *Chinemys* All species and hybrids;
- (iii) Pond turtle — Emydidae — *Clemmys* All nonnative species;
- (iv) Painted turtle — Emydidae — *Chrysemys* All nonnative subspecies;
- (v) European pond turtle — Emydidae — *Emys orbicularis*;
- (vi) Blanding's turtle — Emydidae — *Emydoidea blandingii*;
- (vii) Map turtle — Emydidae — *Graptemys* All species and hybrids;
- (viii) Asian pond turtle — Emydidae — *Mauremys* All species and hybrids;
- (ix) Pond slider — Emydidae — *Pseudemys* and *Trachemys* All species and hybrids;
- (x) Common musk turtle — Kinosternidae — *Kinosternon odoratum*;
- (xi) Common mud turtle — Kinosternidae — *Kinosternon subrubrum*;
- (xii) North American soft shell — Trionychidae — *Apalone* All species and hybrids;
- (xiii) African soft shell — Trionychidae — *Trionyx triunguis*.
- (B) Order Squamata (Suborder Lacertilia):
- (i) Slow worm — Anguillidae — *Anguis fragilis*;
- (ii) Armored Glass lizard — Anguillidae — *Ophisaurus apodus*
- (iii) Sand lizard — Lacertidae — *Lacerta agilis*;
- (iv) Jewelled lizard — Lacertidae — *Lacerta lepida*;
- (v) Iberian Mountain lizard — Lacertidae — *Lacerta monticola*;
- (vi) Meadow lizard — Lacertidae — *Lacerta praticola*;
- (vii) Iberian Emerald lizard — Lacertidae — *Lacerta schreiberi*;
- (viii) Balkan Emerald lizard — Lacertidae — *Lacerta trilineata*;
- (ix) Emerald lizard — Lacertidae — *Lacerta viridis*;
- (x) Viviparous lizard — Lacertidae — *Lacerta vivipara*;
- (xi) Erhard's Wall lizard — Lacertidae — *Podarcis erhardi*;
- (xii) Iberian Wall lizard — Lacertidae — *Podarcis hispanica*;
- (xiii) Common Wall lizard — Lacertidae — *Podarcis muralis*;
- (xiv) Crocodile lizard — Xenosauridae — *Shinisaurus crocodilurus*.
- (C) Order Squamata (Suborder Serpentes):
- (i) Brown tree snake — Colubridae — *Boiga irregularis*;
- (ii) Black-necked spitting cobra — Elapidae — *Naja nigricollis*;
- (iii) Cape cobra — Elapidae — *Naja nivea*;
- (iv) Copperheads and cottonmouths — Viperidae — *Agkistrodon* All species and hybrids;
- (v) Puff adders — Viperidae — *Bitis* All species and hybrids except *Bitis gabonica* and *B. nasicornis*;
- (vi) Lanceheads — Viperidae — *Bothrops* All species and hybrids;
- (vii) Palm pit vipers — Viperidae — *Bothriechis* All species and hybrids;
- (viii) Rattlesnakes — Viperidae — All nonnative species and hybrids except *Crotalus aquilus*, *C. basiliscus*, *C. durissus*, *C. intermedius*, *C. poly-stictus*, *C. pusillus*, *C. tortugensis*, *C. triseriatus*, *C. unicolor*, and *C. veg-randis*;
- (ix) Mid-east vipers — Viperidae — *Daboia* All species and hybrids;
- (x) Pygmy rattlesnake — Viperidae — *Sistrurus catenatus*;
- (xi) Asian pit vipers — Viperidae — *Trimeresurus* All species and hybrids;
- (xii) Wagler's palm viper — Viperidae — *Tropidolaemus wagleri*;
- (xiii) Sand vipers — Viperidae — *Vipera* All species and hybrids.
- (e) Prohibited Fish: Common Name — Family — Genus/species:
- (A) Order Amiiformes: Bowfin — Amiidae — *Amia calva*.
- (B) Order Cypriniformes:
- (i) Piranha or Caribe — Characidae subfamily Serrasalminae commonly known as caribe or piranha — All species and hybrids except carnivorous species of *Pygocentrus*, *Serrasalmus* or *Pristobrycon* pursuant to ORS 498.242;
- (ii) Walking catfish (ORS 498.242) — Clariidae — All species and hybrids;
- (iii) Oriental weatherfish — Cobitidae — *Misgurnus anguillicaudatus*;
- (iv) Ide — Cyprinidae — *Leuciscus idus*;
- (v) Rudd — Cyprinidae — *Scardinius erythrophthalmus*.
- (vi) Asian carp — Cyprinidae — *Hypophthalmichthys* All species and hybrids;
- (vii) Black carp — Cyprinidae — *Mylopharyngodon piceus*
- (C) Order Lepisosteiformes: Gar — Lepisosteidae — All species and hybrids.
- (D) Order Perciformes:
- (i) Snakehead — Channidae — *Channa* All species and hybrids;
- (ii) Round goby — Gobiidae — *Neogobius melanostomus*;
- (iii) Ruffe — Percidae — *Gymnocephalus cernuus*;
- (iv) Zander or Pike-perch — Percidae — *Sander lucioperca*.
- (E) Order Salmoniformes: Pikes, Pickerel, Muskellunge — Esocidae — All species and hybrids except tiger muskellunge (*Esox lucius* X *Esox masquinongy*) in Phillips Reservoir located in Baker County
- (f) Prohibited Mollusks Common Name — Family — Genus/species:
- (A) Order Bivalvia:
- (i) Asian clam — Corbiculidae — All species;
- (ii) Zebra mussel, Quagga mussel — Dreissenidae — All species (whether live or dead).
- (B) Order Neogastropoda: Japanese oyster drill — Muricidae — *Ceratostoma inornatum*.
- (C) Order Architaenioglossa:
- (i) Chinese mystery snail — Viviparidae — *Cipangopaludina chinensis*
- (ii) Japanese mystery snail — Viviparidae — *Cipangopaludina japonica*
- (g) Prohibited Crustaceans Common Name — Family — Genus/species: Order Decapoda:
- (A) Chinese mitten crab — Grapsidae — *Eriocheir* All species;
- (B) Blue crab — Portunidae — *Callinectes sapidus*;
- (C) Crayfish — Cambaridae — All species.
- (2) The department may issue a permit for the importation, possession, sale, purchase, exchange or intrastate transportation of prohibited species and those species not yet classified if the department finds that the following standards have been met:
- (a) The facility is constructed to minimize escape of prohibited species;

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(b) There are adequate security and safety programs and procedures which minimize the possibility of escape;

(c) There is adequate record keeping to aid in tracking of confined animals or recovery of escaped animals;

(d) There are adequate procedures, equipment and trained staff to maximize capture of escaped animals;

(e) Adequate veterinary care is provided to identify and minimize the spread of diseases; and

(f) The applicant has a good reputation for care of animals and compliance with the wildlife laws.

(g) Using forms provided by the department, persons or entities may apply for a permit under subsection (2) as follows:

(A) Facilities accredited by the American Zoo and Aquarium Association (AZA). Because the department finds that the current AZA accreditation process holds these facilities to standards equivalent to those in subsection (2), AZA accreditation shall be evidence that the department's standards for importation, possession, sale, purchase, exchange or intrastate transportation of prohibited species are met. To obtain a permit for these activities, AZA accredited facilities shall submit a completed application form and proof of accreditation.

(B) Universities and colleges. To obtain a permit, universities and colleges shall submit:

(i) A completed application form;

(ii) A written description of escape avoidance procedures and facilities; and

(iii) Identification of the time period(s) during which prohibited species will be held.

(C) Others. To apply for a permit, persons and entities other than universities, colleges and AZA accredited facilities shall submit:

(i) A completed application form; and

(ii) A completed Prohibited Species Questionnaire.

(h) Satisfactory facilities inspections may be required prior to issuance of any permit.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 16-1997(Temp), f. & cert. ef. 3-13-97; FWC 41-1997(Temp), f. & cert. ef. 7-23-97; FWC 59-1997, f. & cert. ef. 9-3-97; FWC 59-1997, f. & cert. ef. 9-3-97; FWC 72-1997, f. & cert. ef. 12-29-97; DFW 21-1998, f. & cert. ef. 3-13-98; DFW 63-1998, f. & cert. ef. 8-10-98; DFW 96-1998, f. & cert. ef. 11-25-98; DFW 99-1998, f. & cert. ef. 12-22-98; DFW 94-1999, f. & cert. ef. 12-23-99; DFW 79-2000, f. & cert. 12-22-00; DFW 116-2001, f. & cert. ef. 12-18-01; DFW 114-2008, f. & cert. ef. 9-19-08; DFW 15-2011, f. & cert. ef. 2-15-11; DFW 69-2011, f. 6-15-11, cert. ef. 7-1-11; DFW 115-2012(Temp), f. & cert. ef. 8-31-12 thru 2-26-13; DFW 148-2012, f. & cert. ef. 12-18-12; DFW 20-2014, f. & cert. ef. 3-11-14

635-056-0060

Noncontrolled Species

Except as otherwise provided in these rules or other rules of the commission, wildlife listed below may be imported, possessed, sold, purchased, exchanged or transported in the state without a permit:

(1) Noncontrolled Mammals: Common Name -- Family -- Genus/species:

(a) Order Artiodactyla:

(A) Antelope and buffalo — Bovidae — All species except subfamily Caprinae and Procprae species;

(B) Giraffe and okapi — Giraffidae — All species;

(C) Pygmy hippopotamus — Hippopotamidae — *Hexaprotodon liberiensis*;

(D) Hippopotamus — Hippopotamidae — *Hippopotamus amphibius*;

(E) Peccary — Tayassuidae — All species;

(F) Chevrotains — Tragulidae — All species.

(b) Order Carnivora:

(A) Aardwolf — Hyaenidae — *Proteles cristatus*;

(B) Seals and sea lions — Otariidae — All nonnative species.

(C) Red/Lesser Panda — Procyonidae — *Ailurus fulgens*;

(D) Olingos — Procyonidae — *Bassaricyon* All species;

(E) Coatimundis — Procyonidae — *Nasua* All species;

(F) Kinkajou — Procyonidae — *Potos flavus*;

(G) Binturong — Viverridae — *Arctictis binturong*.

(c) Order Cetacea: Whales and dolphins — All families — All species.

(d) Order Chiroptera: Old World fruit bats — Pteropodidae — All species.

(e) Order Dasyuromorphia: Numbat — Myrmecobiidae — *Myrmecobius fasciatus*.

(f) Order Dermoptera: Flying lemurs or colugos — Cynocephalidae — All species.

(g) Order Didelphimorphia: Short-tailed opossums — Didelphinae — *Monodelphis* All species.

(h) Order Diprotodontia:

(A) Feathertail glider — Acrobatidae — *Acrobates pygmaeus*;

(B) Kangaroos and wallabies — Macropodidae — All species;

(C) Striped possums — Petauridae — *Dactylopsila* All species;

(D) Sugar glider — Petauridae — *Petaurus breviceps*;

(E) Cuscuses — Phalangeridae — *Phalanger* All species.

(i) Order Erinaceomorpha: Four-toed hedgehog — Erinaceidae — *Atelerix albiventris*.

(j) Order Hyracoidea: Hyraxes — Procaviidae — All species.

(k) Order Monotremata: Echidnas — Tachyglossidae — All species.

(l) Order Peramelemorphia:

(A) Dry country bandicoots — Peramelidae — All species except

Isoodon obesulus, *Perameles gunnii*, and *P. nasuta*;

(B) Rainforest bandicoots — Peramelidae — All species.

(m) Order Perissodactyla:

(A) Zebra and Asses — Equidae — *Equus* All species;

(B) Rhinoceros — Rhinocerotidae — All species;

(C) Tapirs — Tapiridae — All species.

(n) Order Pholidota: Pangolins — Manidae — All species.

(o) Order Pilosa:

(A) Three-toed tree sloths — Bradypodidae — All species;

(B) Two-toed tree sloths — Megalonychidae — All species;

(C) Anteaters — Myrmecophagidae — All species.

(p) Order Proboscidea: Elephants — Elephantidae — All species.

(q) Order Rodentia:

(A) Scaly-tailed squirrels — Anomaluridae — All species;

(B) Hutias — Capromyidae — All species;

(C) Mara (Patagonian hare) — Caviidae — *Dolichotis* All species;

(D) Mountain viscachas — Chinchillidae — *Lagidium* All species;

(E) Dwarf hamsters — Cricetidae — *Phodopus* All species

(F) Paca — Cuniculidae — *Cuniculus paca*;

(G) Agoutis — Dasyproctidae — *Dasyprocta* All species;

(H) Acouchis — Dasyproctidae — *Myoprocta* All species;

(I) Pacarana — Dinomyidae — *Dinomys branickii*;

(J) Prehensile-tailed Porcupines — Erethizontidae — *Coendou* All species;

(K) Kangaroo Rats — Heteromyidae — *Dipodomys deserti* and *D. spectabilis*;

(L) Brush-tailed porcupines — Hystricidae — *Atherurus* All species;

(M) Old world porcupines — Hystricidae — *Hystrix* All species except *H. africae australis*, *H. cristata*, and *H. indica*;

(N) Spiny mice — Muridae — *Acomys* All species;

(O) Crateromys (Bushy tailed cloud rats) — Muridae — *Crateromys* All species;

(P) African giant pouched rats — Muridae — *Cricetomys* All species;

(Q) African White-tailed rat — Muridae — *Mystromys albicaudatus*;

(R) Phloeomys (Slender tailed rats) — Muridae — *Phloeomys* All species;

(S) Degus — Octodontidae — *Octodon* All species;

(T) South African Springhare — Pedetidae — *Pedetes capensis*;

(U) Prevost's squirrel — Sciuridae — *Callosciurus prevostii*;

(V) African palm squirrels — Sciuridae — *Epixerus* All species;

(W) Pygmy flying squirrels — Sciuridae — *Petaurillus* All species;

(X) Oil palm squirrels — Sciuridae — *Protoxerus* All species;

(Y) Giant squirrels — Sciuridae — *Ratufa* All species.

(r) Order Sirenia: Manatees — All families — All species.

(s) Order Tubulidentata: Aardvark — *Orycteropodidae* — *Orycteropus afer*.

(2) Noncontrolled Birds: Nothing in this subsection authorizes the importation, possession, sale, confinement or transportation of birds protected by the federal Migratory Bird Treaty Act: Common Name — Family — Genus/species:

(a) Order Charadriiformes:

(A) Senegal thick-knee — Burhinidae — *Burhinus senegalensis*;

(B) Water thick-knee — Burhinidae — *Burhinus vermiculatus*.

(b) Order Coliiformes: Mousebirds and Collies — Coliidae — All species.

(c) Order Coraciiformes:

(A) Blue-winged kookaburra — Alcedinidae — *Dacelo leachii*;

(B) Woodland kingfisher — Alcedinidae — *Halcyon senegalensis*;

(C) African pygmy kingfisher — Alcedinidae — *Ispidina picta*;

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- (D) Hornbills — Bucerotidae — All species;
(E) Rollers — Coraciidae — All species;
(F) Bee-eaters — Meropidae — All species except *Merops apiaster*, *M. oreobates*, *M. pusillus*, and *Nyctornis athertoni*;
(G) Motmots — Momotidae — All species.
(d) Order Cuculiformes:
(A) White browed coucal — Centropodidae — *Centropus superciliosus burchelli*;
(B) Pheasant coucal — Centropodidae — *Centropus phasianinus*;
(C) Senegal coucal — Centropodidae — *Centropus senegalensis*;
(D) Greater coucal — Centropodidae — *Centropus sinensis*.
(e) Order Galliformes:
(A) Curassows, guans, and chachalacas — Cracidae — All species except *Chamaepetes goudotii*, *Penelope montagnii*, and *P. supercilii*;
(B) Megapodes — Megapodiidae — All species.
(f) Order Gruiformes:
(A) Trumpeters — Psophiidae — All species;
(B) Buttonquails and hemipodes — Turnicidae — All species.
(g) Order Passeriformes:
(A) Orange-breasted bunting — Cardinalidae — *Passerina leclancherii*;
(B) Cotingas — Cotingidae — All species;
(C) Red-crested finch — Emberizidae — *Coryphospingus cucullatus*;
(D) Pileated finch — Emberizidae — *Coryphospingus pileatus*;
(E) Yellow-breasted bunting — Emberizidae — *Emberiza aureola*;
(F) Golden-breasted bunting — Emberizidae — *Emberiza flaviventris*;
(G) Cinnamon-breasted bunting — Emberizidae — *Emberiza tahapisi*;
(H) Yellow cardinal — Emberizidae — *Gubernatrix cristata*;
(I) Black-crested finch — Emberizidae — *Lophospingus pusillus*;
(J) Crested bunting — Emberizidae — *Melophus lathamii*;
(K) Yellow-billed cardinal — Emberizidae — *Paroaria capitata*;
(L) Red-crested cardinal — Emberizidae — *Paroaria coronata*;
(M) Black-capped warbling finch — Emberizidae — *Poospiza melanoleuca*;
(N) Saffron finch — Emberizidae — *Sicalis flaveola*;
(O) Double-collared seedeater — Emberizidae — *Sporophila caerulescens*;
(P) Rusty-collared seedeater — Emberizidae — *Sporophila collaris*;
(Q) Parrot-billed seedeater — Emberizidae — *Sporophila peruviana*;
(R) Slate-colored seedeater — Emberizidae — *Sporophila schistacea*;
(S) Swallow tanager — Emberizidae — *Tersina viridis*;
(T) Cuban grassquit — Emberizidae — *Tiaris canorus*;
(U) Blue-back grassquit — Emberizidae — *Volatinia jacarina*;
(V) Waxbills, mannikins, munias — Estrilidae — All species;
(W) Broadbills — Eurylaimidae — All species;
(X) Black siskin — Fringillidae — *Carduelis atrata*;
(Y) Linnet — Fringillidae — *Carduelis cannabina*;
(Z) European goldfinch — Fringillidae — *Carduelis carduelis*;
(AA) Red siskin — Fringillidae — *Carduelis cucullata*;
(BB) Hooded siskin — Fringillidae — *Carduelis magellanica*;
(CC) Yellow-breasted greenfinch — Fringillidae — *Carduelis spinoides*;
(DD) European siskin — Fringillidae — *Carduelis spinus*;
(EE) Yellow-rumped siskin — Fringillidae — *Carduelis uropygialis*;
(FF) Yellow-bellied siskin — Fringillidae — *Carduelis xanthogastra*;
(GG) Yellow-billed grosbeak — Fringillidae — *Eophona migratoria*;
(HH) Japanese grosbeak — Fringillidae — *Eophona personata*;
(II) Oriole finch — Fringillidae — *Linurgus olivaceus*;
(JJ) Brown bullfinch — Fringillidae — *Pyrrhula nipalensis*;
(KK) Eurasian bullfinch — Fringillidae — *Pyrrhula pyrrhula*;
(LL) Black-throated island canary — Fringillidae — *Serinus atrogularis*;
(MM) Island canary — Fringillidae — *Serinus canaria*;
(NN) Yellow crowned canary — Fringillidae — *Serinus flaviventris*;
(OO) White-rumped seedeater — Fringillidae — *Serinus leucopygius*;
(PP) Yellow-fronted canary — Fringillidae — *Serinus mozambicus*;
(QQ) European serin — Fringillidae — *Serinus serinus*;
(RR) Long-tailed rosefinch — Fringillidae — *Uragus sibiricus*;
(SS) Troupials and Allies — Icteridae — All nonnative species;
(TT) Leafbirds and fairy bluebirds — Irenidae — All species;
(UU) Honeyeaters — Meliphagidae — All species;
(VV) Old World Flycatchers — Muscicapidae — *Copyschus* All species;
(WW) Sunbirds — Nectariniidae — All species;
(XX) Sudan sparrow — Passeridae — *Passer leuteus*;
(YY) Red-headed weaver — Ploceidae — *Anaplectes rubriceps*;
(ZZ) Yellow-crowned bishop — Ploceidae — *Euplectes afer*;
(AAA) Red-collared widowbird — Ploceidae — *Euplectes ardens*;
(BBB) Black-winged bishop — Ploceidae — *Euplectes hordeaceus*;
(CCC) Jackson's widowbird — Ploceidae — *Euplectes jacksoni*;
(DDD) Yellow-shouldered widowbird — Ploceidae — *Euplectes macrourus*;
(EEE) Red bishop — Ploceidae — *Euplectes orix*;
(FFF) Long-tailed widowbird — Ploceidae — *Euplectes progne*;
(GGG) Red fody — Ploceidae — *Foudia madagascariensis*;
(HHH) Orange weaver — Ploceidae — *Ploceus aurantius*;
(III) Village weaver — Ploceidae — *Ploceus cucullatus*;
(JJJ) Lesser masked weaver — Ploceidae — *Ploceus intermedius*;
(KKK) Little weaver — Ploceidae — *Ploceus luteolus*;
(LLL) Baya weaver — Ploceidae — *Ploceus philippinus*;
(MMM) Vitelline-masked weaver — Ploceidae — *Ploceus vitellinus*;
(NNN) Speckle-fronted weaver — Ploceidae — *Sporopipes frontalis*;
(OOO) Scaly weaver — Ploceidae — *Sporopipes squamifrons*;
(PPP) Sugarbirds — Promeropidae — All species;
(QQQ) Golden-crested myna — Sturnidae — *Ampeliceps coronatus*;
(RRR) Violet-backed starling — Sturnidae — *Cinnyricinclus leucogaster*;
(SSS) Emerald starling — Sturnidae — *Lamprotornis iris*;
(TTT) Golden-breasted starling — Sturnidae — *Lamprotornis regius*;
(UUU) Common hill myna — Sturnidae — *Gracula religiosa*;
(VVV) Long-tailed glossy-starling — Sturnidae — *Lamprotornis caudatus*;
(WWW) Bronze-tailed glossy-starling — Sturnidae — *Lamprotornis chalcurus*;
(XXX) Greater blue-eared glossy-starling — Sturnidae — *Lamprotornis chalybaeus*;
(YYY) Lesser blue-eared glossy-starling — Sturnidae — *Lamprotornis chloropterus*;
(ZZZ) Hildebrandt's starling — Sturnidae — *Lamprotornis hildebrandti*;
(AAAA) Chestnut-bellied starling — Sturnidae — *Lamprotornis pulcher*;
(BBBB) Purple-headed glossy-starling — Sturnidae — *Lamprotornis purpureiceps*;
(CCCC) Purple glossy-starling — Sturnidae — *Lamprotornis purpureus*;
(DDDD) Rueppell's glossy-starling — Sturnidae — *Lamprotornis purpuroptera*;
(EEEE) Splendid glossy-starling — Sturnidae — *Lamprotornis splendidus*;
(FFFF) Superb starling — Sturnidae — *Lamprotornis superbus*;
(GGGG) Bali myna — Sturnidae — *Leucopsar rothschildi*;
(HHHH) Golden myna — Sturnidae — *Mino anais*;
(IIII) Yellow-faced myna — Sturnidae — *Mino dumontii*;
(JJJJ) Tanagers and Allies — Thraupidae — All nonnative species;
(KKKK) Babblers — Timaliidae — All species;
(LLLL) White-eyes — Zosteropidae — All species.
(h) Order Piciformes:
(A) Barbets — Capitonidae — All species;
(B) Toucans — Ramphastidae — All species.
(i) Order Tinamiformes: Tinamous — Tinamidae — All species.
(j) Order Trogoniformes: Trogons — Trogonidae — All species.
(3) Noncontrolled Amphibians: Common Name — Family — Genus/species:
(a) Order Anura:
(A) Allophrynid tree frog — Allophryidae — *Allophryne* All species;
(B) Hairy frogs — Arthroleptidae — *Trichobatrachus* All species;
(C) Cane toad — Bufonidae — *Bufo marinus*;
(D) African tree toads — Bufonidae — *Nectophryne* All species;
(E) Live-bearing toads — Bufonidae — *Nectophrynoides* All species;
(F) Glass frogs — Centrolenidae — All species;
(G) Poison arrow frogs — Dendrobatidae — All species;
(H) Ghost frogs — Heleophryinae — *Heleophryne* All species;
(I) Shovel-nosed frogs — Hemisotidae — *Hemisus* All species;
(J) Leaf frogs — Hylidae — *Agalychnis* All species;

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- (K) Casque-headed frogs — Hylidae — *Aparashpenodon* All species;
(L) Water-holding frogs — Hylidae — *Cyclorana* All species;
(M) Marsupial frogs — Hylidae — *Gastrotheca* All species;
(N) Marbled tree frogs — Hylidae — *Hyla marmorata*
(O) Australian giant tree frogs — Hylidae — *Litoria chlorus* and *L. infrafrenata*;
(P) Slender-legged tree frogs — Hylidae — *Osteocephalus* All species;
(Q) Cuban tree frogs — Hylidae — *Osteopilus* All species;
(R) White's tree frog — Hylidae — *Pelodytes caerulea*;
(S) Golden-eyed tree frogs — Hylidae — *Phrynohyas* All species;
(T) Monkey frogs — Hylidae — *Phyllomedusa* All species;
(U) Burrowing frogs — Hylidae — *Pternohyala* All species;
(V) Casque-headed tree frogs — Hylidae — *Trachycephalus* All species;
(W) Shovel-headed tree frogs — Hylidae — *Triprion* All species;
(X) Banana frogs — Hyperoliidae — *Arixalax* All species;
(Y) Reed frogs — Hyperoliidae — *Hyperolius* All species;
(Z) Running frogs — Hyperoliidae — *Kassina* All species;
(AA) Forest tree frogs — Hyperoliidae — *Leptopelis* All species;
(BB) New Zealand frogs — Leiopelmatidae — *Leiopelma* All species;
(CC) Common horned frogs — Leptodactylidae — *Ceratophrys* All species;
(DD) Rain or robber frogs — Leptodactylidae — *Eleutherodactylus* All species;
(EE) Paraguay horned toads — Leptodactylidae — *Lepidobatrachus* All species
(FF) Asian horned toad — Megophryidae — *Megophrys montana* (*nasuta*);
(GG) Tomato frogs — Microhylidae — *Dyscophus* All species;
(HH) Narrow-mouthed frogs — Microhylidae — *Gastrophryne* All species;
(II) Sheep frogs — Microhylidae — *Hypopachus* All species;
(JJ) Malaysian narrowmouth toad — Microhylidae — *Kaloula pulchra*;
(KK) Tusked frog — Myobatrachidae — *Adelotus brevis*;
(LL) Pouched frog — Myobatrachidae — *Assa darlingtoni*;
(MM) Giant burrowing frogs — Myobatrachidae — *Heleioporus* All species;
(NN) Cannibal frogs — Myobatrachidae — *Lechriodus* All species;
(OO) Turtle frog — Myobatrachidae — *Myobatrachus gouldii*;
(PP) Australian spadefoot toads — Myobatrachidae — *Notaden* All species;
(QQ) Crowned toadlets — Myobatrachidae — *Pseudophryne* All species;
(RR) Gastric brooding frog — Myobatrachidae — *Rheobatrachus* All species;
(SS) Torrent frogs — Myobatrachidae — *Taudactylus* All species;
(TT) Australian toadlets — Myobatrachidae — *Uperoleia* All species;
(UU) Parsley frogs — Pelodytidae — *Pelodytes* All species;
(VV) Dwarf clawed frogs — Pipidae — *Hymenochirus* All species;
(WW) Surinam frogs — Pipidae — *Pipa* All species;
(XX) Mantella frogs — Ranidae — *Mantella* All species;
(YY) Foam nest tree frogs — Rhacophoridae — *Chiromantis* All species;
(ZZ) Gliding or flying frogs — Rhacophoridae — *Rhacophorus* All species;
(AAA) Tonkin Bug-eyed frog — Rhacophoridae — *Theloderma corticale*;
(BBB) Mexican burrowing frog — Rhinodermatidae — *Rhinodermatys dorsalis*;
(CCC) Seychelles frogs — Sooglossidae — All species.
(b) Order Caudata:
(A) Axolotl — Ambystomatidae — *Ambystoma mexicanum*;
(B) Gold-striped salamander — Salamandridae — *Chioglossa lusitanica*;
(C) Black-spotted and striped newts — Salamandridae — *Notophthalmus meridionalis* and *N. perstriatus*;
(D) Spectacled salamander — Salamandridae — *Salamandrina terdigitata*.
(c) Order Gymnophiona: Caecilians — All species.
(4) Noncontrolled Reptiles: Common Name — Family — Genus/species;
(a) Order Squamata (Suborder Amphisbaenia): Worm lizards — All species.
(b) Order Squamata (Suborder Lacertilia):
(A) Pricklenapes — Agamidae — *Acanthosaura* All species;
(B) Common or rainbow agama — Agamidae — *Agama agama*;
(C) Frilled dragon — Agamidae — *Chlamydosaurus kingii*;
(D) Humphead forest dragons — Agamidae — *Gonocephalus* All species;
(E) Sailfin lizards — Agamidae — *Hydrosaurus* All species;
(F) Anglehead forest dragons — Agamidae — *Hypsilurus* All species;
(G) Splendid Japalure — Agamidae — *Japalura splendida*;
(H) Water dragons — Agamidae — *Lophognathus* All species;
(I) Water dragons — Agamidae — *Physignathus* All species;
(J) Bearded dragons — Agamidae — *Pogona* All species;
(K) Mastigures — Agamidae — *Uromastix* All species;
(L) Strange Agamas — Agamidae — *Xenagama* All species;
(M) Chameleons — Chamaeleonidae — All species;
(N) Plated lizards — Cordylidae — *Gerrhosaurus* All species;
(O) Flat lizards — Cordylidae — *Platysaurus* All species;
(P) Geckos — Gekkonidae — All species;
(Q) Gila monster, beaded lizard — Helodermatidae — All species;
(R) Iguanid lizards — Iguanidae — All nonnative species except: *Crotaphytus* spp., *Gambelia* spp., *Sceloporus* spp., *Uta* spp., *Phrynosoma* spp.;
(S) Asian Grass Lizard — Lacertidae — *Takydromus sexlineatus*
(T) Skinks — Scincidae — All nonnative species except *Eumeces* spp.;
(U) Ameivas — Teiidae — *Ameiva* All species;
(V) Tegus — Teiidae — *Tupinambis* All species;
(W) Monitor lizards — Varanidae — All species except *Varanus griseus*;
(X) Night lizards — Xantusiidae — All species;
(Y) American knob-scaled lizards — Xenosauridae — *Xenosaurus* All species.
(c) Order Squamata (Suborder Serpentes):
(A) File snakes — Acrochordidae — All species;
(B) Pythons and Boas — Boidae — All nonnative species;
(C) Milk, Pine, Corn, Rat, Garter snakes — Colubridae — All nonnative species except *Boiga irregularis*, *Lampropeltis getula*, *L. zonata*, and *Pituophis catenifer*;
(D) Kingsnakes and gopher (bull) snakes — Colubridae — *Individuals of Lampropeltis getula, L. zonata and Pituophis catenifer that are morphologically distinct from native species.*
(E) Egyptian cobra — Elapidae — *Naja haje*;
(F) Black & white cobra — Elapidae — *Naja melanoleuca*;
(G) Indian cobra — Elapidae — *Naja naja*;
(H) Red spitting cobra — Elapidae — *Naja pallida*;
(I) King cobra — Elapidae — *Ophiophagus hannah*;
(J) Bush vipers — Viperidae — *Atheris* All species;
(K) Gaboon viper — Viperidae — *Bitis gabonica*;
(L) Rhinoceros viper — Viperidae — *Bitis nasicornis*;
(M) Horned vipers — Viperidae — *Cerastes* All species;
(N) Rattlesnakes — Viperidae — *Crotalus aquilus*, *C. basiliscus*, *C. durissus*, *C. intermedius*, *C. polystictus*, *C. pusillus*, *C. tortugensis*, *C. triseriatus*, *C. unicolor*, and *C. vegrandis*;
(O) Saw-scaled vipers — Viperidae — *Echis* All species;
(P) Bushmaster — Viperidae — *Lachesis muta*;
(Q) False horned vipers — Viperidae — *Pseudocerastes* All species;
(R) Pygmy rattlesnakes — Viperidae — *Sistrurus miliaris* and *S. ravus*.
(d) Order Testudines:
(A) Pignose turtles — Carettochelyidae — All species;
(B) Austro-American side-necked turtles — Chelidae — All species;
(C) Marine turtles — Cheloniidae — All species;
(D) River turtles — Dermatemydidae — All species;
(E) Leatherback turtles — Dermochelyidae — All species;
(F) Pond and box turtles — Emydidae — All nonnative species except *Pseudemys* spp., *Trachemys* spp., *Chinemys* spp., *Clemmys* spp., *Chrysemys* spp., *Graptemys* spp., *Emys orbicularis*, *Emydoidea blandingii* and *Mauremys* spp.;
(G) American mud and musk turtles — Kinosternidae — All species except *Kinosternon subrubrum* and *K. odoratum*;
(H) Afro-American side-necked turtles — Pelomedusidae — All species;
(I) Bighead turtles — Platysternidae — All species;

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(J) Tortoises — Testudinidae — All species;

(K) Softshell turtles — Trionychidae — All species except Apolone spp. and Trionyx triunguis.

(5) Noncontrolled Fish: Common Name — Family — Genus/species: Aquaria fish and Live Foodfish — All species.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 59-1997, f. & cert. ef. 9-3-97; Administrative correction 10-27-97; FWC 72-1997, f. & cert. ef. 12-29-97; DFW 21-1998, f. & cert. ef. 3-13-98; DFW 63-1998, f. & cert. ef. 8-10-98; DFW 99-1998, f. & cert. ef. 12-22-98; DFW 94-1999, f. & cert. ef. 12-23-99; DFW 79-2000, f. & cert. ef. 12-22-00; DFW 116-2001, f. & cert. ef. 12-18-01; DFW 15-2011, f. & cert. ef. 2-15-11; DFW 69-2011, f. & cert. ef. 7-1-11; DFW 20-2014, f. & cert. ef. 3-11-14

635-056-0130

Classification Requests

(1) For species that are not listed in these rules, no person may possess, import, purchase, sell, exchange, or offer to purchase, sell or exchange the species in Oregon.

(2) Species may be classified as Prohibited, Controlled or Noncontrolled. The classification may vary by activity (e.g., possession allowed, but sale prohibited). If a specific nonnative species, subspecies or hybrid is not classified as either Prohibited, Controlled or Noncontrolled, or is classified but not for a particular activity (e.g., import, sale, possession, transport), any person may either:

(a) Petition the commission to classify the species or allow the particular activity pursuant to OAR 137-001-0070; or

(b) Request the director to classify the species as Noncontrolled, pursuant to OAR 635-056-0140.

(c) Any person petitioning or requesting classification shall provide information illustrating that the requested action will not harm, nor has the potential to harm, any native species or its habitat. The information should be scientific in nature, in written form and include an appropriate literature cited section.

(3) In evaluating a request to classify a species, subspecies or hybrid, the commission may consider the following factors, when appropriate:

(a) Potential to introduce disease or parasites to native wildlife populations;

(b) Potential for interbreeding or hybridizing with native wildlife;

(c) Possible competition with native wildlife for habitat, food, water, etc.;

(d) Impacts on the habitat of native wildlife;

(e) Potential predation on native wildlife;

(f) Feasibility of capturing and eradicating escaped animals;

(g) Cost of capturing and eradicating escaped animals; or

(h) Any other factor or consideration the commission considers necessary to protect and maintain native wildlife.

(4) The director may appoint a Wildlife Integrity Review Panel to consider the information presented by the petitioner as appropriate. The director may, in appointing the panel, consider scientific expertise, professional background, and other qualifications needed to make sound decisions. The director may seek commission recommendations in making Wildlife Integrity Review Panel appointments. If convened, the panel shall make a recommendation to the commission on the classification of the species, subspecies or hybrid and what conditions, if any, should apply to the proposed activity (e.g., import, sale, possession, transfer).

(5) The director may call for scientific based studies or other verifiable information useful in placing the requested species in the appropriate classification category.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 59-1997, f. & cert. ef. 9-3-97; DFW 99-1998, f. & cert. ef. 12-22-98; DFW 116-2001, f. & cert. ef. 12-18-01; DFW 15-2011, f. & cert. ef. 2-15-11; DFW 20-2014, f. & cert. ef. 3-11-14

635-056-0140

Noncontrolled Classification

(1) Upon a request pursuant to OAR 635-056-0130(3)(b), the director may classify a species as Noncontrolled if the director determines, based upon scientific information, that the species presents a low risk of harm to native wildlife. In evaluating the risk, the director shall determine the relative risk (high, medium, low, unknown) for each of the following criteria:

(a) Whether the species' natural range and habitat is similar to Oregon's climate and habitat;

(b) Whether the species has an invasive history;

(c) Whether the species can survive in Oregon;

(d) Whether the species has the potential to prey upon native wildlife;

(e) Whether the species can potentially degrade the habitat of native wildlife;

(f) Whether the species has the potential to pass disease or parasites to native wildlife;

(g) What types of disease or parasites could be passed on to native wildlife;

(h) Whether the species has the potential to compete for food, water, shelter, or space with native wildlife;

(i) Whether the species has the potential to hybridize with native wildlife; and

(j) Whether the species can be readily distinguished from a native species, or a prohibited or controlled species.

(2) If the director determines that the risk for all of the above criteria is low, or that the risk for one of the criterion is medium and the risk for the remaining criteria is low, then the director may classify the species as Noncontrolled. If the director determines that the risk for any of the criteria is high or unknown, or that the risk for two or more of the criteria is medium, the director shall refer the petition to the commission for a decision.

(3) The director shall notify the petitioner in writing of any decision and the rationale for that decision. If the petitioner or an affected person disagrees with the director's decision to list a species as Noncontrolled, the person may request the commission to review the director's decision.

(4) The director shall maintain a list of those species classified as Noncontrolled, and shall make the list available to the public.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 59-1997, f. & cert. ef. 9-3-97; DFW 79-2000, f. & cert. ef. 12-22-00; DFW 20-2014, f. & cert. ef. 3-11-14

635-056-0150

Grandfathering

(1) A person who possessed a Prohibited wildlife species prior to the time the commission places the species on the Prohibited list, or an unclassified species if legally obtained prior to January 1, 2000, may continue to hold the animal(s) for the life of such animal(s), provided:

(a) The person has proof of legal possession prior to the listing (e.g., sales receipt, import permit from Oregon Department of Agriculture.)

(b) The animal(s) and any offspring are not released, transported, imported, sold, purchased, exchanged, offered for sale, purchase or exchange, or otherwise transferred within the state; and

(c) The person abides by all regulations outlined in OAR 635-056-0110.

(2) A Prohibited wildlife species legally held in compliance with the requirements of subsection (1) of this rule may be sold or exchanged provided that the animal is directly and permanently transported out of Oregon.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 59-1997, f. & cert. ef. 9-3-97; DFW 116-2001, f. & cert. ef. 12-18-01; DFW 20-2014, f. & cert. ef. 3-11-14

Rule Caption: Amend Rules Relating to Capture of Peregrine and Other Species Allowed for Falconry

Adm. Order No.: DFW 21-2014

Filed with Sec. of State: 3-11-2014

Certified to be Effective: 3-11-14

Notice Publication Date: 2-1-2014

Rules Amended: 635-055-0002, 635-055-0030, 635-055-0035, 635-055-0037

Subject: Amend rules related to the capture of Peregrine falcons for use in falconry and consider changes to species allowed to be taken from the wild for falconry.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-055-0002

Definition of Terms

For the purpose of these rules, the following definitions apply:

(1) "Captive bred" means any raptor, including eggs, hatched in captivity resulting from parents that mated in captivity, or are the progeny of artificial insemination.

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(2) "Falconry" means the sport of taking quarry by means of a trained raptor.

(3) "Indigenous raptor", for purposes of falconry, means golden eagle (*Aquila chrysaetos*), sharp-shinned hawk (*Accipiter striatus*), Cooper's hawk (*Accipiter cooperii*), northern goshawk (*Accipiter gentilis*), red-tailed hawk (*Buteo jamaicensis*), Red-shouldered hawk (*Buteo lineatus*), American kestrel (*Falco sparverius*), merlin (*Falco columbarius*), prairie falcon (*Falco mexicanus*), peregrine falcon (*Falco peregrinus*), gyrfalcon (*Falco rusticolus*), and great horned owl (*Bubo virginianus*).

(4) "Management or operational activities" means activities on nest-site structures (bridges or buildings) that are operational or maintenance actions to the structure deemed necessary by the structure owners or managers. These activities do not include nest entries for the purposes of banding birds for scientific purposes.

(5) "Passage" means first year migrant raptors capable of flight.

(6) "Post-fledgling" means a young first-year bird capable of flight which has recently flown from its nest.

(7) "Take" for the purposes of these rules, means to trap, capture, or attempt to trap or capture a raptor from the wild for the purpose of falconry.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 170, f. 12-23-77, ef. 1-1-78; FWC 11-1983, f. & ef. 3-24-83; FWC 7-1984, f. & ef. 2-29-84; FWC 19-1990, f. & cert. ef. 2-28-90; DFW 33-2002, f. & cert. ef. 4-18-02; DFW 11-2008, f. & cert. ef. 2-21-08; DFW 19-2008, f. & cert. ef. 2-29-08; DFW 147-2009, f. & cert. ef. 12-15-09; DFW 4-2011, f. & cert. ef. 1-14-11; Renumbered from 635-055-0000 by DFW 109-2011, f. & cert. ef. 8-9-11; DFW 21-2014, f. & cert. ef. 3-11-14

635-055-0030

Limitations on Species Captured and/or Held

(1) Any adult raptor inadvertently taken must be immediately released.

(2) Only the following raptor species and number of each may be taken in the state during the capture season unless otherwise specified:

(a) Red-tailed hawk, American kestrel, Cooper's hawk, sharp-shinned hawk and great horned owl — unlimited and statewide except that great horned owls may be taken as nestlings only.

(b) Goshawk — unlimited and statewide except that no nestling goshawks may be taken in the area north of the Umpqua River and west of Interstate 5. Passage goshawks may be taken statewide.

(c) Prairie falcon — unlimited and statewide except that Wasco, Gilliam, Umatilla, Morrow, Sherman, Jackson and Josephine counties are closed to take of prairie falcons.

(d) Merlin — unlimited and statewide except no nestling merlins may be taken.

(e) Gyrfalcon — only three (3) may be captured during a capture season. Gyrfalcons may be captured statewide. Gyrfalcon capture permits are issued to Master Falconers only and an individual falconer may not capture more than one gyrfalcon per capture season. All gyrfalcon capture permit holders will be notified when the quota has been reached. No take of gyrfalcons is authorized for non-resident falconers.

(3) Golden eagle — unlimited, capture authorized for counties east of the crest of the Cascade Mountain range only. Golden eagle capture permits are issued to Master Falconers only. Golden eagles may be captured, imported and/or used for falconry only in accordance with Federal falconry standards as detailed in 50 CFR§22.24.

(4) Peregrine falcons may be taken statewide. Peregrine falcon capture permits are issued to Master Falconers only. The Commission will establish allowable take of peregrine falcons, not to exceed five percent of the estimated annual productivity of young peregrine falcons in Oregon, as required by U.S. Fish and Wildlife Service in its Environmental Assessment for the Take of Nestling Peregrine Falcons (Federal Register March 10, 2004, Volume 69, Number 47, page 11455).

(5) Red-shouldered hawk — only three (3) may be captured during a capture season. Red-shouldered hawk may be captured statewide, except no nestlings may be taken.

(6) The possession of legally acquired non-indigenous raptors listed as a migratory bird in 50 CFR §10.13 is allowed. Only indigenous raptor species, raptors listed in 50 CFR §10.13 and raptors classified as non-controlled or controlled in the Oregon Wildlife Integrity Rules (OAR 635-056) are allowed. The possession for falconry purposes of hybrid raptors of species listed in 50 CFR §10 are allowed.

Stat. Auth.: ORS 496.012, 496.112, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.112, 496.138, 496.146 & 496.162

Hist.: FWC 170, f. 12-23-77, ef. 1-1-78; FWC 9-1980, f. & ef. 2-27-80; FWC 8-1981, f. & ef. 2-26-81; FWC 14-1982, f. & ef. 2-25-82; FWC 11-1983, f. & ef. 3-24-83; FWC 8-1986, f. & ef. 3-6-86; FWC 19-1990, f. & cert. ef. 2-28-90; FWC 40-1991, f. & cert. ef. 4-24-91; FWC 33-1992(Temp), f. & cert. ef. 5-11-92; FWC 116-1992, f. & cert. ef. 10-28-92; FWC 30-1993, f. & cert. ef. 5-5-93; DFW 33-2002, f. & cert. ef. 4-18-02; DFW 11-2008, f. & cert. ef. 2-21-08; DFW 19-2008, f. & cert. ef. 2-29-08; DFW 152-2008, f. & cert. ef. 12-18-08, cert. ef. 1-1-09; DFW 25-2009(Temp), f. 3-10-09, cert. ef. 5-15-09 thru 8-31-09; Administrative correction 9-29-09; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10; DFW 147-2009, f. & cert. ef. 12-15-09; DFW 4-2011, f. & cert. ef. 1-14-11; DFW 109-2011, f. & cert. ef. 8-9-11; DFW 21-2014, f. & cert. ef. 3-11-14

2009, f. & cert. ef. 12-15-09; DFW 4-2011, f. & cert. ef. 1-14-11; DFW 109-2011, f. & cert. ef. 8-9-11; DFW 21-2014, f. & cert. ef. 3-11-14

635-055-0035

Capture and Transportation of Raptors

A raptor capture permit is required prior to capturing or attempting to capture any raptor. The permit holder must carry the permit on their person while conducting activities related to Peregrine Capture. A non-resident falconer from a state having a federally approved falconry program may obtain a capture permit for species listed in 635-055-0020(3) with the exception of gyrfalcons. All non-resident applications must include a copy of the applicant's current state falconry license. All applicants for golden eagle capture must include a copy of the federal authorization to take and possess golden eagles. Only 20 non-resident capture permits will be issued in total each capture season. All non-resident capture permits, except for capture permits for peregrine falcons, will be issued on a first come first served basis.

(1) A nonrefundable application fee of \$15.00 (plus a \$2.00 license agent fee) will be charged for each capture permit allowing the capture of one raptor per permit.

(2) Except for take of peregrine falcons, the Department will issue capture permits in the order applications are received. The permit process will begin January 1st of each year, and applicants must hold a valid Oregon falconry license or a falconry license from a state having a federally approved falconry program. The category of species shall be listed on the permit (e.g. "golden eagle", "gyrfalcon", "peregrine falcon", or "other raptor") and the falconer is authorized to take only one raptor from the category specified. A falconer may apply for a capture permit in more than one category. The falconer whose name appears on the permit must do the capturing except for peregrine falcon nestlings; the permit is not transferable.

(3) Upon taking the raptor authorized, the permit holder shall immediately validate the permit by recording the date, species, sex, county, and capture method and signing his/her name in the space provided. At the time of capture, the permit holder shall affix the permanent plastic band, issued with the permit, to one leg of the bird. Within five business days of capture, the permit holder shall take the bird to a Department office to have the permit certified.

(4) Lost, raptors at hack, or captive bred raptors may be re-trapped at any time without a capture permit. All other raptors captured shall be immediately released.

(5) Exportation of wild caught raptors — No raptor taken from the wild in Oregon shall be transferred to another person residing outside the state except those Oregon wild caught raptors held for six months or longer may be transferred to another person residing outside the state.

(6) An Oregon licensed falconer is allowed to retain legally captured raptors in their possession if they move from Oregon.

(7) Falconers are responsible for treatment and rehabilitation costs of raptors taken for falconry and injured during trapping efforts.

(8) The Department will not issue a falconry capture permit to any person who:

(a) Is awaiting prosecution for, or has been convicted of, any violation of the animal cruelty or animal abuse laws;

(b) Is awaiting prosecution for, or has been convicted of, a wildlife violation involving the illegal take of wildlife;

(c) Is awaiting prosecution for, or has been convicted of, aiding in the illegal take of wildlife; or

(d) Has had his or her hunting or fishing license suspended for a wildlife violation.

(9) A person who is denied a falconry capture permit pursuant to subsection (8) may appeal the decision through a contested case hearing.

Stat. Auth.: ORS 496.012, 496.112, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.112, 496.138, 496.146 & 496.162

Hist.: FWC 170, f. 12-23-77, ef. 1-1-78; FWC 9-1980, f. & ef. 2-27-80; FWC 8-1981, f. & ef. 2-26-81; FWC 14-1982, f. & ef. 2-25-82; FWC 11-1983, f. & ef. 3-24-83; FWC 8-1986, f. & ef. 3-6-86; FWC 19-1990, f. & cert. ef. 2-28-90; FWC 40-1991, f. & cert. ef. 4-24-91; FWC 33-1992(Temp), f. & cert. ef. 5-11-92; FWC 116-1992, f. & cert. ef. 10-28-92; FWC 30-1993, f. & cert. ef. 5-5-93; DFW 33-2002, f. & cert. ef. 4-18-02; DFW 11-2008, f. & cert. ef. 2-21-08; DFW 19-2008, f. & cert. ef. 2-29-08; DFW 152-2008, f. & cert. ef. 12-18-08, cert. ef. 1-1-09; DFW 25-2009(Temp), f. 3-10-09, cert. ef. 5-15-09 thru 8-31-09; Administrative correction 9-29-09; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10; DFW 147-2009, f. & cert. ef. 12-15-09; DFW 4-2011, f. & cert. ef. 1-14-11; DFW 109-2011, f. & cert. ef. 8-9-11; DFW 21-2014, f. & cert. ef. 3-11-14

635-055-0037

Peregrine Falcon Capture Permit

(1) Capture permit applications for peregrine falcons may be submitted to the Department beginning January 1st but must be received no later than March 1st of each year. The Department will issue peregrine falcon capture permits by way of a lottery draw pursuant to OAR 635-055-0037.

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(2) The Department will not accept a permit application from any person who:

(a) Is awaiting prosecution for, or has been convicted of, any violation of the animal cruelty or animal abuse laws;

(b) Is awaiting prosecution for, or has been convicted of, a wildlife violation involving the illegal take of wildlife;

(c) Is awaiting prosecution for, or has been convicted of, aiding in the illegal take of wildlife; or

(d) Has had his or her hunting or fishing license suspended for a wildlife violation.

(3) A \$15.00 application fee (plus a \$2.00 license agent fee) must be submitted with the application. Application fees are nonrefundable, whether or not an applicant is successful in the drawing.

(4) Peregrine capture permit applications (including fees) must be submitted to the Department's Salem headquarters office no later than March 1 each year.

(a) If hand delivered, an application must be received at Department headquarters office (4034 Fairview Industrial Drive, SE, Salem, OR, 97302-1142) by 5:00 p.m. on March 1.

(b) If sent via postal mail, an application must be postmarked no later than March 1.

(5) If an applicant violates any of the following restrictions, the Department will remove his or her application from the drawing.

(a) An applicant may submit only one peregrine capture permit application per capture season.

(b) An applicant must submit a completed application containing name, license number, address, and phone number.

(6) The Department will conduct the lottery to award peregrine falcon capture permits by drawing names of eligible entrants at random. To participate in the lottery, a person must:

(a) If an Oregon resident possess a current Master Falconers license as per OAR 635-055-0002; or

(b) If a nonresident possess a Master Falconers license from a state having a federally approved falconry program.

(7)(a) During each year's lottery, the Department will draw nine Oregon resident applications and two alternates, plus one non-resident application and a non-resident alternate.

(b) The Department will notify successful applicants and alternates by mail. If the applicant does not reply in writing (mail, fax, or email) within 10 calendar days, the applicant will be disqualified and the Department will offer the permit to the next alternate. If neither alternate replies in the required time, the permit will not be issued. If no qualified nonresident applies for or accepts a peregrine falcon take permit, the permit will be allocated to a qualified resident applicant drawn next in sequence in the lottery draw.

(8) If a permit holder violates any of these rules or permit conditions, the Department will invalidate his or her peregrine capture permit. Taking of a peregrine falcon without a valid permit is a violation of these rules and is therefore an unlawful taking.

(a) Up to ten permits will be made available annually by the department to eligible master falconers; nine such permits will be issued to resident falconers in good standing

(b) Successful resident applicants will be authorized to take a nestling from a natural nest site, or they may also accept a young peregrine falcon taken by persons (authorized by the Department) from man-made structures (but only where nestlings need to be removed from a nest during management or operational activities on the structures). Alternatively, the permit holder may take a post-fledgling bird (pursuant to 635-055-0035(5)(b)).

(c) Of the number of permits available for issuance annually, the Department will make one such permit available to a nonresident. The non-resident permit holder may only accept a nestling peregrine falcon taken by persons (authorized by the Department) from man-made structures (but only where nestlings need to be removed from a nest during management or operational activities on the structures). Alternatively, the permit holder may take a post-fledgling bird (pursuant to 635-055-0035(5)(b)).

(9) Each permit will include conditions crafted by the Department on a case by case basis to address the capture proposal and include conditions considered appropriate by the Department. The following general conditions apply to all peregrine falcon capture permits:

(a) Young falcons may be removed from their eyries (nests) between May 15th and June 30th but only when between 15 and 24 days of age. At least one nestling must be left in each eyrie prior to fledging.

(A) Prior to entering any nest, a permit holder must monitor each potential nest site to assess the presence and occupancy of nesting peregrine

falcons and determine the chronology of nestlings in the selected nest(s) by following a protocol and completing a form provided by the Department.

(B) Permit-holders must contact in person or by phone Falconry Program staff at Salem Headquarters at least seven (7) days prior to proposed nest entry.

(C) The permit holder must be present when the nestling is being removed from the eyrie.

(b) A post-fledgling peregrine falcon may be taken (trapped) by a permitted master falconer during the time period between when the falcon first flies from its nest through August 31st. The permit holder must be present at all times whenever a trap is in operation while attempting to take a post-fledgling peregrine falcon.

(c) Each permit holder who takes a peregrine falcon from the wild must report the sex and precise capture location to the Department within 5 days following capture by providing a clearly marked map with sufficient labels and information to determine location. If the falconer later determines that the sex of any peregrine falcon taken was reported incorrectly, then the falconer must submit a corrected report as soon as possible after discovering the error.

(d) Permit holders must band each peregrine falcon taken with a band provided by the Department.

(e) After a captured falcon reaches 30 days of age, the permit holder must pluck breast feathers from the falcon and submit them to the Department along with the written record of the precise location of where the bird was taken from in the wild.

(10) Upon taking the raptor authorized, the permit holder must immediately validate the permit by recording the date, species, sex, county, and capture method and signing his or her name in the space provided. At the time of capture, the permit holder must affix the permanent plastic band, issued with the permit, to one leg of the bird. Within five business days of capture, the permit holder must take the bird to a Department office to have the permit certified.

(11) Peregrine falcon capture permits are not transferable.

Stat. Auth.: ORS 496.012, 496.112, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.112, 496.138, 496.146 & 496.162

Hist.: DFW 152-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10; DFW 147-2009, f. & cert. ef. 12-15-09; DFW 4-2011, f. & cert. ef. 1-14-11; DFW 109-2011, f. & cert. ef. 8-9-11; DFW 21-2014, f. & cert. ef. 3-11-14

Rule Caption: Columbia River Tributary Treaty Indian Commercial Fisheries Amended

Adm. Order No.: DFW 22-2014(Temp)

Filed with Sec. of State: 3-11-2014

Certified to be Effective: 3-12-14 thru 7-31-14

Notice Publication Date:

Rules Amended: 635-041-0045

Subject: The amended rule clarifies that sales of fish landed in Treaty fisheries downstream of Bonneville Dam allowed under agreements with the State of Oregon are allowed when lawfully permitted under Treaty Regulations. Modifications are consistent with action taken March 11, 2014 by the Columbia River Compact agencies of the states of Oregon and Washington in cooperation with the Columbia River Treaty Tribes.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0045

Closed Commercial Fishing Areas

Unless otherwise specified in this rule and OAR 635-041-0063, the following waters are closed to commercial fishing:

(1) All Oregon tributaries of the Columbia River.

(2) The Columbia River westerly and downstream of the Bridge of the Gods except:

(a) Fisheries conducted by the Yakama, Warm Springs and Umatilla tribes downstream of Bonneville Dam (bank fishing only) under provisions of the agreements with the states of Oregon and Washington are open until further notice.

(A) Sales are allowed when lawfully permitted under Treaty Regulations. Allowable sales include Chinook, steelhead, sockeye, coho, walleye, shad, yellow perch, bass and carp. Sturgeon caught in the tribal fisheries below Bonneville Dam may not be retained or sold. Fish may not be sold on USACE property below Bonneville Dam, but may be caught and transported off USACE property for sale.

(B) Gear is restricted to subsistence fishing gear which includes hoop-nets, dipnets, spears, gaffs, clubs, fouling hooks and rod and reel with hook-and-line.

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(C) Salmon, steelhead, walleye, shad, carp, bass and yellow perch landed during an open treaty commercial fishing period may be sold at any time.

(b) Platform and hook-and-line fisheries from the Bridge of the Gods downstream to the subsistence fishing deadline as described in OAR 635-041-0020(1) are open to commercial sales whenever sales are authorized for platform and hook-and-line fisheries in the remainder of Bonneville Pool.

(3) The Columbia River easterly and upstream of a line extending at a right angle across the thread of the river from a deadline marker one mile downstream of McNary Dam.

(4) The Columbia River between a line extending at a right angle across the thread of the river from a deadline marker at the west end of 3-Mile Rapids located approximately 1.8 miles below The Dalles Dam, upstream to a line from a deadline marker on the Oregon shore located approximately 3/4 mile above The Dalles Dam east fishway exit, thence at a right angle to the thread of the river to a point in midriver, thence downstream to Light "1" on the Washington shore; except that dip nets, bag nets, and hoop nets are permitted during commercial salmon and shad fishing seasons at the Lone Pine Indian fishing site located immediately above The Dalles Interstate Bridge.

(5) The Columbia River between a line extending at a right angle across the thread of the river from a deadline marker at Preachers Eddy light below the John Day Dam and a line approximately 4.3 miles upstream extending from a marker on the Oregon shore approximately one-half mile above the upper easterly bank of the mouth of the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, thence turning downstream to a marker located on the Washington shore approximately opposite the mouth of the John Day River.

(6) The Columbia River within areas at and adjacent to the mouths of the Deschutes River and the Umatilla River. The closed areas are along the Oregon side of the Columbia River and extend out to the midstream from a point one-half mile above the intersection of the upper bank of the tributary with the Columbia River to a point one mile downstream from the intersection of the lower bank of the tributary with the Columbia River. All such points are posted with deadline markers.

(7) The Columbia River within an area and adjacent to the mouth of the Big White Salmon River. The closed area is along the Washington side of the Columbia River and extends out to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

(8) The Columbia River within an area at and adjacent to the mouth of Drano Lake (Little White Salmon River). The closed area is along the Washington side of the Columbia River and extends out to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upriver of the outlet of Drano Lake.

(9) The Columbia River within an area and adjacent to the mouth of the Wind River. The closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

(10) The Columbia River within areas at and adjacent to the mouth of Hood River. The closed area is along the Oregon side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at end of the breakwall at the west end of the Port of Hood River and 1/2 mile upriver from the east bank.

(11) The Columbia River within a radius of 150 feet of the Spring Creek Hatchery fishway, except that during the period of August 25–September 20 inclusive the closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between a marker located 1 1/2 miles downriver of the Spring Creek Hatchery fishway up to the downstream marker of the Big White Salmon sanctuary located approximately 1/2 mile upriver of the Spring Creek Hatchery fishway.

(12) Herman Creek upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(13) The Columbia River within an area and adjacent to the mouth of the Klickitat River. The closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1-1/8 miles downstream from the west bank.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 89, f. & ef. 1-28-77; FWC 133, f. & ef. 8-4-77; FWC 149(Temp), f. & ef. 9-21-77 thru 1-18-78; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0045; FWC 6-1980, f. & ef. 1-28-80; FWC 44-1980(Temp), f. & ef. 8-22-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 4-1984, f. & ef. 1-31-84; FWC 55-1985(Temp), f. & ef. 9-6-85; FWC 4-1986 (Temp), f. & ef. 1-28-86; FWC 25-1986(Temp), f. & ef. 6-25-86; FWC 42-1986, f. & ef. 8-15-86; FWC 2-1987, f. & ef. 1-23-87; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 54-1989 (Temp), f. & cert. ef. 8-7-89; FWC 90-1989, f. & cert. ef. 9-6-89; FWC 80-1990(Temp), f. & cert. ef. 8-8-90; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 40-2011(Temp), f. & cert. ef. 5-5-11 thru 10-31-11; DFW 43-2011(Temp), f. & cert. ef. 5-10-11 thru 10-31-11; DFW 60-2011(Temp), f. & cert. ef. 6-6-11 thru 10-31-11; DFW 63-2011(Temp), f. & cert. ef. 6-8-11, cert. ef. 6-9-11 thru 10-31-11; DFW 66-2011(Temp), f. & cert. ef. 6-16-11 thru 10-31-11; DFW 88-2011(Temp), f. & cert. ef. 7-10-11 thru 10-31-11; DFW 119-2011(Temp), f. & cert. ef. 8-29-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 5-2012(Temp), f. 1-30-12, cert. ef. 2-1-12 thru 3-31-12; DFW 18-2012(Temp), f. 2-28-12, cert. ef. 2-29-12 thru 6-15-12; DFW 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

Rule Caption: Treaty Winter Gillnet Season Modification

Adm. Order No.: DFW 23-2014(Temp)

Filed with Sec. of State: 3-11-2014

Certified to be Effective: 3-12-14 thru 7-31-14

Notice Publication Date:

Rules Amended: 635-041-0061, 635-041-0065

Rules Suspended: 635-041-0061(T), 635-041-0065(T)

Subject: These amended rules open the area between The Dalles Dam and John Day Dam Wednesday March 12, 2014 through Saturday March 22, 2014, and extend the season in the area between the Bonneville Dam and The Dalles Dam through Saturday March 15, 2014. White sturgeon of legal size may be sold or kept for subsistence use. Modifications are consistent with action taken March 11, 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

635-041-0061

Sturgeon Size

(1) White sturgeon may be taken for commercial purposes by treaty Indian fishers during commercial fishing seasons in which sales of sturgeon are authorized.

(2) Sales are limited to white sturgeon with a fork length of 43-54 inches taken from between The Dalles and McNary dams and white sturgeon with a fork length of 38–54 inches taken from between the Bonneville Dam and The Dalles Dam.

(3) It is *unlawful* to mutilate or disfigure a sturgeon in any manner which extends or shortens its length to the legal limit, or to possess such sturgeon.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: 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 15-1995, f. & cert. ef. 2-15-95; FWC 12-1997(Temp), f. 2-27-97, cert. ef. 3-1-97; DFW 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cert. ef. 3-3-98; DFW 130-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 4-1-05; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 19-2009, f. & cert. ef. 2-26-09; DFW 6-2014(Temp), f. 1-30-14, cert. ef. 2-1-14 thru 7-30-14; DFW 17-2014(Temp), f. 2-28-14, cert. ef. 3-1-14 thru 7-30-14; DFW 23-2014(Temp), f. 3-11-14, cert. ef. 3-12-14 thru 7-31-14

635-041-0065

Winter Season

(1) Salmon, steelhead, shad, white sturgeon, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from the Zone 6 Columbia River Treaty Indian Fishery, from 12 noon February 1 to 6:00 p.m. March 22.

(2) Effective 6:00 p.m. Wednesday, February 26, 2014 the winter commercial gillnet fishery in the John Day Pool is closed. The sale of fish defined in (1) above landed prior to Wednesday, 6 p.m. February 26 is allowed after the fishery closes. Fish caught in the platform hook-and-line fishery may not be sold, but may be kept for subsistence purposes.

(3) Effective 6:00 p.m. Saturday March 15, 2014 the winter gillnet fishery in the Bonneville Pool is closed. The sale of fish defined in (1)

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above landed prior to 6:00 p.m. Saturday March 15 is allowed after the fishery closes. Fish caught in the platform hook-and-line fishery may not be sold, but may be kept for subsistence purposes.

(4) Effective 6:00 p.m. Monday March 3, 2014 the winter gillnet fishery in the Dalles Pool is closed. The sale of fish defined in (1) above landed prior to 6:00 p.m. Monday March 3 is allowed after the fishery closes. Fish caught in the platform hook-and-line fishery may not be sold, but may be kept for subsistence purposes. The winter gillnet fishery in the Dalles Pool re-opens at 6 a.m. Wednesday March 12, 2014 and will continue seven days per week through 6 p.m. Saturday, March 22, 2014.

(5) There are no mesh size restrictions.

(6) Closed areas as set forth in OAR 635-041-0045 remain in effect.

(7)(a) In The Dalles Pool from 6 p.m. Monday March 3, 2014 through 6 a.m. Thursday March 12, 2014 white sturgeon between 43–54 inches fork length may not be sold but may be retained for subsistence purposes. From 6 a.m. Wednesday March 12, 2014 through 6 p.m. Saturday March 22, 2014 white sturgeon between 43–54 inches fork length may be sold or kept for subsistence use. Effective 6 p.m. Saturday March 22, 2014 white sturgeon between 43–54 inches in fork length caught in The Dalles Pool may not be sold but may be retained for subsistence use.

(b) In the Bonneville Pool white sturgeon between 38-54 inches fork length may be sold or kept for subsistence use. Effective 6 p.m. Saturday March 15, 2014 white sturgeon between 43–54 inches in fork length caught in the Bonneville Pool may not be sold but retained for subsistence purposes.

(c) White sturgeon between 43–54 inches in fork length caught in the John Day Pool may not be sold but may be retained for subsistence purposes.

(8) Sale of platform and hook-and-line caught fish is allowed during open commercial fishing seasons.

Stat. Auth.: ORS 183.325, 506.109 & 506.111

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 89, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79; FWC 13-1979(Temp), f. & ef. 3-30-1979. Renumbered from 635-035-0065; FWC 6-1980, f. & ef. 1-28-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 2-1983, f. 1-21-83, ef. 2-1-83; FWC 4-1984, f. & ef. 1-31-84; FWC 2-1985, f. & ef. 1-30-85; FWC 4-1986(Temp), f. & ef. 1-28-86; FWC 7-1986(Temp), f. & ef. 1-22-86; FWC 2-1987, f. & ef. 1-23-87; FWC 3-1988(Temp), f. & ef. 1-29-88; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 5-1989, f. 2-6-89, cert. ef. 2-7-89; FWC 13-1989(Temp), f. & cert. ef. 3-21-89; FWC 15-1990(Temp), f. 2-8-90, cert. ef. 2-9-90; FWC 20-1990, f. 3-6-90, cert. ef. 3-15-90; FWC 13-1992(Temp), f. & cert. ef. 3-5-92; FWC 7-1993, f. & cert. ef. 2-1-93; FWC 12-1993(Temp), f. & cert. ef. 2-22-93; FWC 18-1993(Temp), f. & cert. ef. 3-2-93; FWC 7-1994, f. & cert. ef. 2-1-94; FWC 11-1994(Temp), f. & cert. ef. 2-28-94; FWC 9-1995, f. & cert. ef. 2-1-95; FWC 19-1995(Temp), f. & cert. ef. 3-3-95; FWC 5-1996, f. & cert. ef. 2-7-96; FWC 4-1997, f. & cert. ef. 1-30-97; FWC 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cert. ef. 3-3-98; DFW 20-1998(Temp), f. & cert. ef. 3-13-98 thru 3-20-98; DFW 23-1998(Temp), f. & cert. ef. 3-20-98 thru 6-30-98; DFW 2-1999(Temp), f. & cert. ef. 2-1-99 through 2-19-99; DFW 9-1999, f. & cert. ef. 2-26-99; DFW 14-1999(Temp), f. 3-5-99, cert. ef. 3-6-99 thru 3-20-99; Administrative correction 11-17-99; DFW 6-2000(Temp), f. & cert. ef. 2-1-00 thru 2-29-00; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 19-2000, f. 3-18-00, cert. ef. 3-18-00 thru 3-21-00; DFW 26-2000(Temp), f. 5-4-00, cert. ef. 5-6-00 thru 5-28-00; Administrative correction 5-22-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 14-2001(Temp), f. 3-12-01, cert. ef. 3-14-01 thru 3-21-01; Administrative correction 6-20-01; DFW 9-2002, f. & cert. ef. 2-1-02; DFW 11-2002(Temp), f. & cert. ef. 2-8-02 thru 8-7-02; DFW 17-2002(Temp), f. 3-7-02, cert. ef. 3-8-02 thru 9-1-02; DFW 18-2002(Temp), f. 3-13-02, cert. ef. 3-15-02 thru 9-11-02; DFW 134-2002(Temp), f. & cert. ef. 12-19-02 thru 4-1-03; DFW 20-2003(Temp), f. 3-12-03, cert. ef. 3-13-03 thru 4-1-03; DFW 131-2003(Temp), f. 12-26-03, cert. ef. 1-1-04 thru 4-1-04; DFW 5-2004(Temp), f. 1-26-04, cert. ef. 2-2-04 thru 4-1-04; DFW 15-2004(Temp), f. 3-8-04, cert. ef. 3-10-04 thru 4-1-04; DFW 130-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 4-1-05; DFW 4-2005(Temp), f. & cert. ef. 1-31-05 thru 4-1-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 3-2006(Temp), f. & cert. ef. 1-27-06 thru 3-31-06; Administrative correction 4-19-06; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 14-2007(Temp), f. & cert. ef. 3-9-07 thru 9-4-07; DFW 15-2007(Temp), f. & cert. ef. 3-14-07 thru 9-9-07; Administrative correction 9-16-07; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 20-2008(Temp), f. 2-28-08, cert. ef. 2-29-08 thru 7-28-08; DFW 21-2008(Temp), f. & cert. ef. 3-5-08 thru 7-28-08; DFW 22-2008(Temp), f. 3-7-08, cert. ef. 3-10-08 thru 7-28-08; Administrative correction 8-21-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 6-2009(Temp), f. 1-30-09, cert. ef. 2-2-09 thru 8-1-09; DFW 11-2009(Temp), f. 2-13-09, cert. ef. 2-16-09 thru 7-31-09; DFW 22-2009(Temp), f. 3-5-09, cert. ef. 3-6-09 thru 7-31-09; Administrative correction 8-21-09; DFW 9-2010(Temp), f. & cert. ef. 2-3-10 thru 8-1-10; DFW 12-2010(Temp), f. 2-10-10, cert. ef. 2-11-10 thru 8-1-10; DFW 18-2010(Temp), f. 2-24-10, cert. ef. 2-26-10 thru 4-1-10; DFW 24-2010(Temp), f. 3-2-10, cert. ef. 3-3-10 thru 4-1-10; Administrative correction 4-21-10; DFW 8-2011(Temp), f. 1-31-11, cert. ef. 2-1-11 thru 4-1-11; DFW 9-2011(Temp), f. 2-9-11, cert. ef. 2-10-11 thru 4-1-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 5-2012(Temp), f. 1-30-12, cert. ef. 2-1-12 thru 3-31-12; DFW 18-2012(Temp), f. 2-28-12, cert. ef. 2-29-12 thru 6-15-12; DFW 19-2012(Temp), f. 3-2-12, cert. ef. 3-5-12 thru 6-15-12; DFW 20-2012(Temp), f. & cert. ef. 3-5-12 thru 6-15-12; DFW 46-2012(Temp), f. 5-14-12, cert. ef. 5-15-12 thru 6-30-12; Administrative correction, 8-1-12; DFW 9-2013(Temp), f. 1-31-13, cert. ef. 2-1-13 thru 3-31-13; DFW 15-2013(Temp), f. 2-22-13, cert. ef. 2-27-13 thru 6-15-13; DFW 18-2013(Temp), f. 3-5-13, cert. ef. 3-6-13 thru 6-15-13; DFW 35-2013(Temp), f. & cert. ef. 5-21-13 thru 6-30-13; DFW 48-2013(Temp), f. 6-7-13, cert. ef. 6-8-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 6-2014(Temp), f. 1-30-14, cert. ef. 2-1-14 thru 7-30-14; DFW 15-2014(Temp), f. 2-25-14, cert. ef. 2-26-14 thru 7-30-14; DFW 17-2014(Temp), f. 2-28-14, cert. ef. 3-1-14 thru 7-30-14; DFW 23-2014(Temp), f. 3-11-14, cert. ef. 3-12-14 thru 7-31-14

Rule Caption: Amend Rule to Authorize Black Bear Tags for Terminally Ill Children

Adm. Order No.: DFW 24-2014(Temp)

Filed with Sec. of State: 3-13-2014

Certified to be Effective: 3-13-14 thru 6-15-14

Notice Publication Date:

Rules Amended: 635-065-0772

Subject: Qualifying terminally ill children, based on certain criteria, are currently provided the opportunity to obtain controlled deer, elk, or pronghorn antelope tags.

The adoption of these rules would provide a mechanism for qualifying terminally ill children to obtain black bear tags including a controlled or limited spring bear hunt tag. The process used to obtain a limited or controlled black bear tag would be the same process already established for issuing deer, elk and pronghorn antelope tags for controlled hunts. To qualify for these tags individuals must be from 12 to 21 years of age, have been diagnosed with a terminal illness by a licensed physician, and sponsored by an organization with the principle purpose of granting hunting and fishing adventures for terminally ill children.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-065-0772

Tags for Terminally Ill Children

(1) "Organization" means a non-profit organization qualified under Internal Revenue Code section 501(c)(3) with the principle purpose of granting hunting and fishing adventures for children that have been diagnosed with a terminal illness by a licensed physician.

(2) "Qualified child" means a terminally ill child sponsored by an organization who provides to the Department supporting documentation demonstrating compliance with the prerequisites provided in this rule.

(3) Annually upon approval by the Director, the Department may issue no more than 35 big game tags free of charge to organizations for use by qualified children. The 35 tags will be distributed across black bear, deer, elk, and pronghorn antelope with no more than 10 tags to hunt black bear, no more than 10 tags to hunt either-sex deer, no more than 10 tags to hunt either-sex elk, and no more than five tags to hunt either-sex pronghorn antelope.

(a) Each organization is limited to five tags total for all species except black bear per year.

(b) Each organization is limited to two tags for black bear per year.

(c) An individual tag entitles the holder to only one black bear, or one deer, or one elk, or one pronghorn antelope.

(d) A qualified child may obtain only one tag pursuant to this rule.

(e) Tags issued under this rule may be used to hunt within any Oregon Wildlife Management Unit (as defined in OAR chapter 635 division 080), except specific area closures as identified in the current Oregon Big Game Regulations, Hart Mountain Antelope Refuge, or Starkey Experimental Forest enclosure.

(4) A qualified child must be between 12 and 21 years of age at the time of the hunt, and must comply with all requirements concerning:

(a) Minimum hunting age (ORS 497.350);

(b) Hunter education (ORS 497.360);

(c) Hunting hours (OAR 635-065-0730);

(d) Holding a valid Oregon hunting license, and

(e) Using legal weapon for hunting the species for which the tag is issued.

(5) A qualified child may be either resident or non-resident.

(6) A qualified child under the age of 18 must hunt in the company of an adult 21 years of age or older.

(7) For tags issued under this rule, open seasons are as follows:

(a) For deer and elk: September 1 through November 30 of the year the tag is issued.

(b) For pronghorn antelope: August 1 through September 30 of the year the tag is issued.

(c) For spring black bear: April 1 through May 31 of the year the tag is issued.

(d) For fall black bear: August 1 through December 31 of the year the tag is issued.

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

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162

Hist.: DFW 80-2006, f. & cert. ef. 8-11-06; DFW 24-2014(Temp), f. & cert. ef. 3-13-14 thru 6-15-14

ADMINISTRATIVE RULES

Rule Caption: 2014 Modified Commercial Winter Fishery for Columbia River Youngs Bay Select Area

Adm. Order No.: DFW 25-2014(Temp)

Filed with Sec. of State: 3-13-2014

Certified to be Effective: 3-17-14 thru 7-31-14

Notice Publication Date:

Rules Amended: 635-042-0145

Rules Suspended: 635-042-0145(T)

Subject: The amended rules modify the winter season commercial fishery in the Columbia River Youngs Bay Select Area. Modifications are consistent with the action taken March 13, 2014 by The State of Oregon State Action.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0145

Youngs Bay Salmon Season

(1) Salmon and shad may be taken for commercial purposes in waters of Youngs Bay as described below.

(a) The 2014 open fishing periods are established in three segments categorized as the winter fishery, subsection (1)(a)(A); the spring fishery, subsection (1)(a)(B); and summer fishery, subsection (1)(a)(C), as follows:

(A) Winter Season: Entire Youngs Bay: Mondays, Wednesdays, and Thursdays from February 10 through March 21 (18 days) open hours are from 6:00 a.m. to midnight (18 hours) on Mondays and Thursdays, and from 6:00 a.m. to 6:00 p.m. (12 hours) on Wednesdays. Beginning March 24 the following open periods apply:

Monday, March 24 — 2:00 p.m.-6:00 p.m. (4 hrs.);

Wednesday, March 26 — 4:00 p.m.-8:00 p.m. (4 hrs.);

(B) Spring Season: Entire Youngs Bay from April 17 through Friday, June 13 (14 days total) during the following periods:

Thursday, April 17 — 6:00 p.m.-midnight (6 hrs.);

Tuesday, April 22 — 9:00 a.m.-9:00 p.m. (12 hrs.);

Thursday, April 24 — 7:00 p.m.-7:00 a.m. Friday, April 25 (12 hrs.);

Monday, April 28 — 9:00 a.m.-9:00 p.m. (12 hrs.);

Wednesday, April 30 — 9:00 a.m.-9:00 p.m. (12 hrs.);

Thursday, May 1 — 9:00 a.m.-9:00 p.m. (12 hrs.);

Monday, May 5 — 9:00 a.m.-3:00 a.m. Tuesday May 6 (18 hrs.);

Wednesday, May 7 — 9:00 a.m.-9:00 p.m. (12 hrs.);

Thursday, May 8 — 9:00 a.m.-3:00 a.m. Friday May 9 (18 hrs.); and

Noon Monday through Noon Friday (4 days/week) from May 12 through June 13 (20 days).

(C) Summer Season: Beginning June 16 the following open periods apply:

Noon Monday through Noon Friday (4 days/week) from June 16 through July 4 (12 days);

Noon Monday July 7 through Noon Thursday July 10 (3 days); and

Noon Tuesday through Noon Thursday (48 hrs/week) from July 15 through July 31 (6 days).

(b) For the winter fisheries, the waters of Youngs Bay from the Highway 101 Bridge upstream to the upper boundary markers at the confluence of the Klaskanine and Youngs rivers including the lower Walluski River upstream to the Highway 202 Bridge are open. Those waters southerly of the alternate Highway 101 Bridge (Lewis and Clark River) are closed. For the spring and summer fisheries, the fishing area is identified as the waters of Youngs Bay from the Highway 101 Bridge upstream to the upper boundary markers at the confluence of the Klaskanine and Youngs rivers and includes the lower Lewis and Clark River upstream to the overhead power lines immediately upstream of Barrett Slough.

(2) Gill nets may not exceed 1,500 feet (250 fathoms) in length and weight may not exceed two pounds per any fathom except the use of additional weights and/or anchors attached directly to the leadline is allowed upstream of markers located approximately 200 yards upstream of the mouth of the Walluski River during all Youngs Bay commercial fisheries. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25-fathom intervals must be in color contrast to the corks used in the remainder of the net.

(a) It is *unlawful* to use a gill net having a mesh size that is less than 7 inches during the winter season. It is *unlawful* to use a gill net having a mesh size that is more than 9.75 inches during the spring and summer seasons.

(b) Nets not specifically authorized for use in these areas may be onboard a vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(3) Non-resident commercial fishing and boat licenses are not required for Washington fishers participating in Youngs Bay commercial fisheries. A valid fishing and boat license issued by the state of Washington

is considered adequate for participation in this fishery. The open area for non-resident commercial fishers includes all areas open for commercial fishing.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 32-1979, f. & cf. 8-22-79; FWC 28-1980, f. & cf. 6-23-80; FWC 42-1980(Temp), f. & cf. 8-22-80; FWC 30-1981, f. & cf. 8-14-81; FWC 42-1981(Temp), f. & cf. 11-5-81; FWC 54-1982, f. & cf. 8-17-82; FWC 37-1983, f. & cf. 8-18-83; FWC 61-1983(Temp), f. & cf. 10-19-83; FWC 42-1984, f. & cf. 8-20-84; FWC 39-1985, f. & cf. 8-15-85; FWC 37-1986, f. & cf. 8-11-86; FWC 72-1986(Temp), f. & cf. 10-31-86; FWC 64-1987, f. & cf. 8-7-87; FWC 73-1988, f. & cert. ef. 8-19-88; FWC 55-1989(Temp), f. 8-7-89, cert. ef. 8-20-89; FWC 82-1990(Temp), f. 8-14-90, cert. ef. 8-19-90; FWC 86-1991, f. 8-7-91, cert. ef. 8-18-91; FWC 123-1991(Temp), f. & cert. ef. 10-21-91; FWC 30-1992(Temp), f. & cert. ef. 4-27-92; FWC 35-1992(Temp), f. 5-22-92, cert. ef. 5-25-92; FWC 74-1992(Temp), f. 8-10-92, cert. ef. 8-16-92; FWC 28-1993(Temp), f. & cert. ef. 4-26-93; FWC 48-1993, f. 8-6-93, cert. ef. 8-9-93; FWC 21-1994(Temp), f. 4-22-94, cert. ef. 4-25-94; FWC 51-1994, f. 8-19-94, cert. ef. 8-22-94; FWC 64-1994(Temp), f. 9-14-94, cert. ef. 9-15-94; FWC 66-1994(Temp), f. & cert. ef. 9-20-94; FWC 27-1995, f. 3-29-95, cert. ef. 4-1-95; FWC 48-1995(Temp), f. & cert. ef. 6-5-95; FWC 66-1995, f. 8-22-95, cert. ef. 8-27-95; FWC 69-1995, f. 8-25-95, cert. ef. 8-27-95; FWC 8-1995, f. 2-28-96, cert. ef. 3-1-96; FWC 37-1996(Temp), f. 6-11-96, cert. ef. 6-12-96; FWC 41-1996, f. & cert. ef. 8-12-96; FWC 45-1996(Temp), f. 8-16-96, cert. ef. 8-19-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 4-1997, f. & cert. ef. 1-30-97; FWC 47-1997, f. & cert. ef. 8-15-97; FWC 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; FWC 14-1998, f. & cert. ef. 3-3-98; FWC 18-1998(Temp), f. 3-9-98, cert. ef. 3-11-98 thru 3-31-98; FWC 60-1998(Temp), f. & cert. ef. 8-7-98 thru 8-21-98; FWC 67-1998, f. & cert. ef. 8-24-98; FWC 10-1999, f. & cert. ef. 2-26-99; FWC 52-1999(Temp), f. & cert. ef. 8-2-99 thru 8-6-99; FWC 55-1999, f. & cert. ef. 8-12-99; FWC 9-2000, f. & cert. ef. 2-25-00; FWC 42-2000, f. & cert. ef. 8-3-00; FWC 3-2001, f. & cert. ef. 2-6-01; FWC 66-2001(Temp), f. 8-2-01, cert. ef. 8-6-01 thru 8-14-01; FWC 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; FWC 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; FWC 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; FWC 82-2002(Temp), f. 8-5-02, cert. ef. 8-7-02 thru 9-1-02; FWC 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; FWC 12-2003, f. & cert. ef. 2-14-03; FWC 17-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 8-1-03; FWC 32-2003(Temp), f. & cert. ef. 4-23-03 thru 8-1-03; FWC 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; FWC 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; FWC 37-2003(Temp), f. & cert. ef. 5-7-03 thru 10-1-03; FWC 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; FWC 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; FWC 11-2004, f. & cert. ef. 2-13-04; FWC 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; FWC 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; FWC 28-2004(Temp), f. 4-8-04 cert. ef. 4-12-04 thru 4-15-04; FWC 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; FWC 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; FWC 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; FWC 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; FWC 6-2005, f. & cert. ef. 2-14-05; FWC 15-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; FWC 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; FWC 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; FWC 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; FWC 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; FWC 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; FWC 46-2005(Temp), f. 5-17-05, cert. ef. 5-18-05 thru 10-16-05; FWC 73-2005(Temp), f. 7-8-05, cert. ef. 7-11-05 thru 7-31-05; FWC 77-2005(Temp), f. 7-14-05, cert. ef. 7-18-05 thru 7-31-05; FWC 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; FWC 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; FWC 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; FWC 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; FWC 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; FWC 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; FWC 5-2006, f. & cert. ef. 2-15-06; FWC 14-2006(Temp), f. 3-15-06, cert. ef. 3-16-06 thru 7-27-06; FWC 15-2006(Temp), f. & cert. ef. 3-23-06 thru 7-27-06; FWC 17-2006(Temp), f. 3-29-06, cert. ef. 3-30-06 thru 7-27-06; FWC 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; FWC 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; FWC 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; FWC 52-2006(Temp), f. & cert. ef. 6-28-06 thru 7-27-06; FWC 73-2006(Temp), f. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; FWC 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; FWC 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; FWC 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; FWC 9-2007, f. & cert. ef. 2-14-07; FWC 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; FWC 16-2007(Temp), f. & cert. ef. 3-14-07 thru 9-9-07; FWC 25-2007(Temp), f. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; FWC 45-2007(Temp), f. 6-15-07, cert. ef. 6-25-07 thru 7-31-07; FWC 50-2007(Temp), f. 6-29-07, cert. ef. 7-4-07 thru 7-31-07; FWC 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; FWC 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative correction 1-24-08; FWC 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; FWC 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; FWC 30-2008(Temp), f. 3-27-08, cert. ef. 3-30-08 thru 8-28-08; FWC 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; FWC 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; FWC 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; FWC 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; FWC 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; FWC 24-2009(Temp), f. 3-10-09, cert. ef. 3-11-09 thru 7-31-09; FWC 49-2009(Temp), f. 5-14-09, cert. ef. 5-17-09 thru 7-31-09; FWC 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; FWC 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; Administrative correction 11-19-09; FWC 17-2010(Temp), f. & cert. ef. 2-22-10 thru 7-31-10; FWC 20-2010(Temp), f. & cert. ef. 2-26-10 thru 7-31-10; FWC 30-2010(Temp), f. 3-11-10, cert. ef. 3-14-10 thru 7-31-10; FWC 35-2010(Temp), f. 3-23-10, cert. ef. 3-24-10 thru 7-31-10; FWC 40-2010(Temp), f. & cert. ef. 4-1-10 thru 7-31-10; FWC 46-2010(Temp), f. & cert. ef. 4-21-10 thru 7-31-10; FWC 53-2010(Temp), f. & cert. ef. 5-4-10 thru 7-31-10; FWC 57-2010(Temp), f. & cert. ef. 5-11-10 thru 7-31-10; FWC 69-2010(Temp), f. & cert. ef. 5-18-10 thru 7-31-10; FWC 113-2010(Temp), f. 8-2-10, cert. ef. 8-4-10 thru 10-31-10; FWC 129-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; Administrative correction 11-23-10; FWC 12-2011(Temp), f. 2-10-11, cert. ef. 2-13-11 thru 7-29-11; FWC 23-2011, f. & cert. ef. 3-21-11; FWC 32-2011(Temp), f. 4-20-11, cert. ef. 4-21-11 thru 7-29-11; FWC 35-2011(Temp), f. & cert. ef. 4-28-11 thru 7-29-11; FWC 46-2011(Temp), f. & cert. ef. 5-12-11 thru 7-29-11; FWC 52-2011(Temp), f. & cert. ef. 5-18-11 thru 7-29-11; FWC 76-2011(Temp), f. 6-24-11, cert. ef. 6-27-11 thru 7-29-11; FWC 106-2011(Temp), f. 8-2-11, cert. ef. 8-3-11 thru 10-31-11; FWC 121-2011(Temp), f. 8-29-11, cert. ef. 9-5-11 thru 10-31-11; Administrative correction 11-18-11; FWC 12-2012(Temp), f. 2-8-12, cert. ef. 2-12-12 thru 7-31-12; FWC 24-2012(Temp), f. 3-15-12, cert. ef. 3-18-12 thru 7-31-12; FWC 26-2012(Temp), f. 3-20-12, cert. ef. 3-21-12 thru 7-31-12; FWC 27-2012(Temp), f. 3-27-12, cert. ef. 3-29-12 thru 7-31-12; FWC 28-2012(Temp), f. 3-30-12, cert. ef. 4-1-12 thru 7-31-12; FWC 30-2012(Temp), f. 4-4-12, cert. ef. 4-5-12 thru 7-31-12; FWC 36-2012(Temp), f. 4-16-12, cert. ef. 4-19-12 thru 7-31-12; FWC 82-2012(Temp), f. 6-29-12, cert. ef. 7-2-12 thru 7-31-12; FWC 96-2012(Temp), f. 7-

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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

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

Rule Caption: Nursing Facility Capacity Reduction

Adm. Order No.: APD 2-2014

Filed with Sec. of State: 3-13-2014

Certified to be Effective: 4-1-14

Notice Publication Date: 1-1-2014

Rules Adopted: 411-070-0437

Rules Amended: 411-070-0005, 411-070-0300, 411-070-0442

Rules Repealed: 411-070-0005(T), 411-070-0300(T), 411-070-0437(T), 411-070-0442(T)

Subject: The Department of Human Services (Department) is permanently updating the rules in OAR chapter 411, division 070 for Medicaid nursing facilities to make permanent temporary rule language that became effective on October 7, 2013 to implement HB 2216 (2013) which directs the Department to implement a nursing facility capacity reduction.

The permanent rules:

Establish a statewide bed reduction target for nursing facilities to bring Oregon's occupancy rate closer to the national level;

Provide an augmented rate for nursing facilities that purchase beds from nursing facilities that are no longer needed;

Reduce nursing facility reimbursement rates if identified reduction targets are not achieved;

Authorize annual rebasing of the nursing facility rate; and

Extend the Nursing Facility Financial Statement deadline to October 31 of each year with no extensions.

Rules Coordinator: Kimberly Colkitt-Hallman—(503) 945-6398

411-070-0005

Definitions

Unless the context indicates otherwise, the following definitions and the definitions in OAR 411-085-0005 apply to the rules in OAR chapter 411, division 70:

(1) "Accrual Method of Accounting" means a method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(2) "Active Treatment" means the implementation of an individualized care plan developed under and supervised by a physician and other qualified mental health professionals that prescribes specific therapies and activities.

(3) "Activities of Daily Living" means activities usually performed in the course of a normal day in an individual's life such as eating, dressing/grooming, bathing/personal hygiene, mobility (ambulation and transfer), elimination (toileting, bowel, and bladder management), and cognition/behavior.

(4) "Addictions and Mental Health (AMH) Division" means the Division, within the Oregon Health Authority, responsible for addictions and mental health services.

(5) "Alternative Services" mean individuals or organizations offering services to persons living in a community other than a nursing facility or hospital.

(6) "Area Agency on Aging (AAA)" means the Department of Human Services designated agency charged with the responsibility to provide a comprehensive and coordinated system of services to seniors and individuals with disabilities in a planning and service area. For the purpose of these rules, the term Area Agency on Aging is inclusive of both Type A and Type B Area Agencies on Aging as defined in ORS 410.040 and described in 410.210 to 410.300.

(7) "Augmented Rate" means the additional compensation to a nursing facility who qualifies for the Quality and Efficiency Incentive Program

described in OAR 411-070-0437. The augmented rate is a daily rate of \$9.75 and is in addition to the rate that a nursing facility would otherwise receive. The Department may pay the augmented rate to a qualifying facility for a period not to exceed four years from the date that the facility purchases bed capacity under the Quality and Efficiency Incentive Program.

(8) "Basic Flat Rate Payment" and "Basic Rate" means the statewide standard payment rate for all long term services provided to a Medicaid resident of a nursing facility except for services reimbursed through another Medicaid payment source. The "Basic Rate" is the bundled payment rate unless the resident qualifies for the complex medical add-on rate (in addition to the basic rate) or the bundled pediatric rate (instead of the basic rate).

(9) "Capacity" means licensed nursing beds multiplied by number of days in operation.

(10) "Case Manager" means a Department of Human Services or Area Agency on Aging employee who assesses the service needs of an applicant, determines eligibility, and offers service choices to the eligible individual. The case manager authorizes and implements the service plan and monitors the services delivered.

(11) "Cash Method of Accounting" means a method of accounting in which revenues are recognized only when cash is received, and expenditures for expense and asset items are not recorded until cash is disbursed for them.

(12) "Categorical Determinations" mean the provisions in the Code of Federal Regulations (42 CFR 483.130) for creating categories that describe certain diagnoses, severity of illness, or the need for a particular service that clearly indicates that admission to a nursing facility is normally needed or that the provision of specialized services is not normally needed.

(a) Membership in a category may be made by the evaluator only if existing data on the individual is current, accurate, and of sufficient scope.

(b) An individual with mental illness or developmental disabilities may enter a nursing facility without PASRR Level II evaluation if criteria of a categorical determination are met as described in OAR 411-070-0043(2)(a)-(2)(c).

(13) "Certification" and "Certification for the Categorical Determination of Exempted Hospital Discharge" means that the attending physician has written orders for the individual to receive skilled services at the nursing facility.

(14) "Certified Program" means a hospital, private agency, or an Area Agency on Aging certified by the Department of Human Services to conduct private admission assessments in accordance with ORS 410.505 through 410.530.

(15) "Change of Ownership" means a change in the individual or legal organization that is responsible for the operation of a nursing facility. Change of ownership does not include changes that are merely changes in personnel, e.g., a change of administrators. Events that change ownership include but are not limited to the following:

(a) The form of legal organization of the owner is changed (e.g., a sole proprietor forms a partnership or corporation);

(b) The title to the nursing facility enterprise is transferred to another party;

(c) The nursing facility enterprise is leased or an existing lease is terminated;

(d) Where the owner is a partnership, any event occurs which dissolves the partnership;

(e) Where the owner is a corporation, it is dissolved, merges with another corporation that is the survivor, or consolidates with one or more other corporations to form a new corporation; or

(f) The facility changes management via a management contract.

(16) "Compensation" means the total of all benefits and remuneration, exclusive of payroll taxes and regardless of the form, provided to or claimed by an owner, administrator, or other employee. Compensation includes but is not necessarily limited to:

(a) Salaries paid or accrued;

(b) Supplies and services provided for personal use;

(c) Compensation paid by the facility to employees for the sole benefit of the owner;

(d) Fees for consultants, directors, or any other fees paid regardless of the label;

(e) Key man life insurance;

(f) Living expenses, including those paid for related persons; or

(g) Gifts for employees in excess of federal Internal Revenue Service reporting guidelines.

(17) "Complex Medical Add-On Payment" and "Medical Add-On" means the statewide standard supplemental payment rate for a Medicaid

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resident of a nursing facility whose service is reimbursed at the basic rate if the resident needs one or more of the medication procedures, treatment procedures, or rehabilitation services listed in OAR 411-070-0091, for the additional licensed nursing services needed to meet the resident's increased needs.

(18) "Continuous" means more than once per day, seven days per week. Exception: If only skilled rehabilitative services and no skilled nursing services are required, "continuous" means at least once per day, five days per week.

(19) "Costs Not Related to Resident Services" means costs that are not appropriate or necessary and proper in developing and maintaining the operation of a nursing facility. Such costs are not allowable in computing reimbursable costs. Costs not related to resident services include, for example, cost of meals sold to visitors, cost of drugs sold to individuals who are not residents, cost of operation of a gift shop, and similar items.

(20) "Costs Related to Resident Services" mean all necessary costs incurred in furnishing nursing facility services, subject to the specific provisions and limitations set out in these rules. Examples of costs related to resident services include nursing costs, administrative costs, costs of employee pension plans, and interest expenses.

(21) "CPI" means the consumer price index for all items and all urban consumers.

(22) "Day of Admission" means an individual being admitted, determined as of 12:01 a.m. of each day, for all days in the calendar period for which an assessment is being reported and paid. If an individual is admitted and discharged on the same day, the individual is deemed present on 12:01 a.m. of that day.

(23) "Department" or "DHS" means the Department of Human Services.

(24) "Developmental Disability" means a disability that originates in the developmental years, that is likely to continue, and significantly impacts adaptive behavior as diagnosed and measured by a qualified professional. Developmental disabilities include mental retardation, autism, cerebral palsy, epilepsy, or other neurological disabling conditions that require training or support similar to that required by individuals with mental retardation, and the disability:

(a) Originates before the individual reaches the age of 22 years, except that in the case of mental retardation, the condition must be manifested before the age of 18;

(b) Originates and directly affects the brain and has continued, or must be expected to continue, indefinitely;

(c) Constitutes a significant impairment in adaptive behavior; and

(d) Is not primarily attributed to a mental or emotional disorder, sensory impairment, substance abuse, personality disorder, learning disability, or Attention Deficit Hyperactivity Disorder (ADHD).

(25) "Direct Costs" mean costs incurred to provide services required to directly meet all the resident nursing and activity of daily living service needs. Direct costs are further defined in OAR 411-070-0359 and 411-070-0465. Examples: The person who feeds food to the resident is directly meeting the resident's needs, but the person who cooks the food is not. The person who is trained to meet the resident's needs incurs direct costs whereas the person providing the training is not. Costs for items that are capitalized or depreciated are excluded from this definition.

(26) "Division of Medical Assistance Programs (DMAP)" means a Division, within the Oregon Health Authority, responsible for coordinating the medical assistance programs within the State of Oregon including the Oregon Health Plan Medicaid demonstration, the State Children's Health Insurance Program, and several other programs.

(27) "DRI Index" means the "HCFA or CMS Nursing Home Without Capital Market Basket" index, which is published quarterly by DRI/McGraw-Hill in the publication, "Global Insight Health Care Cost Review".

(28) "Essential Nursing Facility" means a nursing facility that serves predominantly rural and frontier communities as designated by the Office of Rural Health that is located more than 32 miles from another nursing facility or from a hospital that has received a formal notice of Critical Access Hospital (CAH) designation from the Centers for Medicare and Medicaid Services and that is currently contracted to provide swing bed services for Medicaid-eligible individuals.

(29) "Exempted Hospital Discharge" for PASRR means an individual seeking temporary admission to a nursing facility from a hospital as described in OAR 411-070-0043(2)(a).

(30) "Facility" or "Nursing Facility" means an establishment that is licensed and certified by the Department of Human Services as a nursing

facility. A nursing facility also means a Medicaid certified nursing facility only if identified as such.

(31) "Fair Market Value" means the price for which an asset would have been purchased on the date of acquisition in an arms-length transaction between a well-informed buyer and seller, neither being under any compulsion to buy or sell.

(32) "Generally Accepted Accounting Principles" mean the accounting principles approved by the American Institute of Certified Public Accountants.

(33) "Goodwill" means the excess of the price paid for a business over the fair market value of all other identifiable, tangible, and intangible assets acquired, or the excess of the price paid for an asset over its fair market value.

(34) "Historical Cost" means the actual cost incurred in acquiring and preparing a fixed asset for use. Historical cost includes such planning costs as feasibility studies, architects' fees, and engineering studies. Historical cost does not include "start-up costs" as defined in this rule.

(35) "Hospital-Based Facility" means a nursing facility that is physically connected and operated by a licensed general hospital.

(36) "Indirect Costs" mean the costs associated with property, administration, and other operating support (real property taxes, insurance, utilities, maintenance, dietary (excluding food), laundry, and housekeeping). Indirect costs are further described in OAR 411-070-0359 and 411-070-0465.

(37) "Individual" means a person who receives or expected to receive nursing facility services.

(38) "Interrupted-Service Facility" means an established facility recertified by the Department of Human Services following decertification.

(39) "Level I" means a component of the federal PASRR requirement. Level I refers to the identification of individuals who are potential nursing facility admissions who have indicators of mental illness or developmental disabilities (42 CFR 483.128(a)).

(40) "Level II" means a component of the federal PASRR requirement. Level II refers to the evaluation and determination of whether nursing facility services and specialized services are needed for individuals with mental illness or developmental disability who are potential nursing facility admissions, regardless of the source of payment for the nursing facility service (42 CFR 483.128(a)). Level II evaluations include assessment of the individual's physical, mental, and functional status (42 CFR 483.132).

(41) "Level of Care Determination" means an evaluation of the intensity of a person's health service needs. The level of care determination may not be used to require that the person receive services in a nursing facility.

(42) "Medicaid Occupancy Percentage" means the total Medicaid bed days divided by total resident days.

(43) "Medical Add-On" or "Complex Medical Add-On Payment" has the meaning provided in section (16) of this rule.

(44) "Mental Illness" means a major mental disorder as defined in the Diagnostic and Statistical Manual of Mental Disorders, 4th Edition (DSM IV-TR) limited to schizophrenic, paranoid and schizoaffective disorders, bipolar (manic-depressive), and atypical psychosis. "Mental Illness" for pre-admission screening means having both a primary diagnosis of a major mental disorder (schizophrenic, paranoid, major affective and schizoaffective disorders, or atypical psychosis) and treatment related to the diagnosis in the past two years. Diagnoses of dementia or Alzheimers are excluded.

(45) "Mental Retardation" means significantly sub-average general intellectual functioning defined as IQ's under 70 as measured by a qualified professional and existing concurrently with significant impairment in adaptive behavior that are manifested during the developmental period, prior to 18 years of age. Individuals of borderline intelligence, IQ's 70-75, may be considered to have mental retardation if there is also significant impairment of adaptive behavior as diagnosed and measured by a qualified professional. The adaptive behavior must be directly related to the issues of mental retardation. Definitions and classifications must be consistent with the "Manual of Terminology and Classification in Mental Retardation" by the American Association on Mental Deficiency, 1977 Revision.

(a) Mild mental retardation is used to describe the degree of retardation when intelligence test scores are 50 to 69. Individuals with IQ's in the 70 to 75 range may be considered as having mental retardation if there is significant impairment in adaptive behavior as defined in OAR 411-320-0020.

(b) Moderate mental retardation is used to describe the degree of retardation when intelligence test scores are 35 to 49.

(c) Severe mental retardation is used to describe the degree of retardation when intelligence test scores are 20 to 34.

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(d) Profound mental retardation is used to describe the degree of retardation when intelligence test scores are below 20.

(46) "Necessary Costs" mean costs that are appropriate and helpful in developing and maintaining the operation of resident facilities and activities. Necessary costs are usually costs that are common and accepted occurrences in the field of long term nursing services.

(47) "New Admission" for PASRR purposes means an individual admitted to any nursing facility for the first time. It does not include individuals moving within a nursing facility, transferring to a different nursing facility, or individuals who have returned to a hospital for treatment and are being admitted back to the nursing facility. New admissions are subject to the PASRR process (42 CFR 483.106(b)(1), (3), (4)).

(48) "New Facility" means a nursing facility commencing to provide services to individuals.

(49) "Nursing Aide Training and Competency Evaluation Program (NATCEP)" means a nursing assistant training and competency evaluation program approved by the Oregon State Board of Nursing pursuant to ORS Chapter 678 and the rules adopted pursuant thereto.

(50) "Nursing Facility Financial Statement (NFFS)" means Form SPD 35, or Form SPD 35A (for hospital-based facilities), and includes an account number listing of all costs to be used by all nursing facility providers in reporting to the Department of Human Services for reimbursement.

(51) "Occupancy Rate" means total resident days divided by capacity.

(52) "Official Bed Count Measurement" means the number of licensed nursing facility beds as of October 7, 2013 and the beds being developed by facilities that either applied to the Oregon Health Authority for a certificate of need between August 1, 2011 and December 1, 2012 or submitted a letter of intent under ORS 442.315(7) between January 15, 2013 and January 31, 2013.

(53) "Ordinary Costs" mean costs incurred that are customary for the normal operation.

(54) "Oregon Medical Professional Review Organization (OMPRO)" means the organization that determines level of services, need for services, and quality of services.

(55) "Pediatric Rate" means the statewide standard payment rate for all long term services provided to a Medicaid resident under the age of 21 who is served in a pediatric nursing facility or a self-contained pediatric unit.

(56) "Perquisites" mean privileges incidental to regular wages.

(57) "Personal Incidental Funds" mean resident funds held or managed by the licensee or other person designated by the resident on behalf of a resident.

(58) "Placement" means the location of a specific place where health services can be adequately provided to meet the service needs.

(59) "Pre-Admission Screening (PAS)" means the assessment and determination of a potential Medicaid-eligible individual's need for nursing facility services, including the identification of individuals who can transition to community-based service settings and the provision of information about community-based alternatives. This assessment and determination is required when potentially Medicaid-eligible individuals are at risk for admission to nursing facility services. PAS may include the completion of the federal PASRR Level I requirement (42 CFR, Part 483, (C)-(E)), to identify individuals with mental illness or mental retardation or developmental disabilities.

(60) "Pre-Admission Screening and Resident Review (PASRR)" means the federal requirement, (42 CFR, Part 483, (C)-(E)), to identify individuals who have mental illness or developmental disabilities and determine if nursing facility service is required and if specialized services are required. PASRR includes Level I and Level II functions.

(61) "Prior Authorization" means the local Seniors and People with Disabilities Division/Area Agency on Aging office participates in the development of proposed nursing facility care plans to assure that the facility is the most suitable service setting for the individual. Nursing facility reimbursement is contingent upon prior-authorization.

(62) "Private Admission Assessment (PAA)" means the assessment that is conducted for non-Medicaid residents as established by ORS 410.505 to 410.545 and OAR chapter 411, division 071, who are potential admissions to a Medicaid-certified nursing facility. Service needs are evaluated and information is provided about long-term service choices. A component of private admission assessment is the federal PASRR Level I requirement, (42 CFR, Part 483.128(a)), to identify individuals with mental illness or developmental disabilities.

(63) "Provider" means an entity, licensed by the Seniors and People with Disabilities Division, responsible for the direct delivery of nursing facility services.

(64) "Provider Preventable Condition (PPC)" means a condition listed below caused by the provider:

- (a) Foreign object retained after treatment;
- (b) Stage III and IV pressure ulcers;
- (c) Falls and trauma;
- (d) Manifestations of poor glycemic control;
- (e) Catheter-associated urinary tract infection;
- (f) Medication error; or
- (g) Surgical site or wound site infection.

(65) "Quality and Efficiency Incentive Program" means the program described in OAR 411-070-0437 designed to reimburse quality nursing facilities that voluntarily reduce bed capacity that increases occupancy levels and enhances efficiency with the goal of slowing the growth of system-wide costs.

(66) "Reasonable Consideration" means an inducement that is equivalent to the amount that would ordinarily be paid for comparable goods and services in an arms-length transaction.

(67) "Related Organization" means an entity that is under common ownership or control with, or has control of, or is controlled by the contractor. An entity is deemed to be related if it has 5 percent or more ownership interest in the other. An entity is deemed to be related if it has capacity derived from any financial or other relationship, whether or not exercised, to influence directly or indirectly the activities of the other.

(68) "Resident" means a person who receives nursing facility services.

(69) "Resident Days" mean the number of occupied bed days.

(70) "Resident Review" means a review conducted by the Addictions and Mental Health Division for individuals with mental illness or by the Seniors and People with Disabilities Division for individuals with developmental disabilities who are residents of nursing facilities. The findings of the resident review may result in referral to PASRR Level II (42 CFR 483.114).

(71) "Restricted Fund" means a fund in which the use of the principal or principal and income is restricted by agreement with or direction by the donor to a specific purpose. Restricted fund does not include a fund over which the owner has complete control. The owner is deemed to have complete control over a fund that is to be used for general operating or building purposes.

(72) "Seniors and People with Disabilities (SPD) Division" means the Department.

(73) "Specialized Services for Mental Illness" means mental health services delivered by an interdisciplinary team in an inpatient psychiatric hospital for treatment of acute mental illness.

(74) "Specialized Services for Mental Retardation or Developmental Disabilities" means:

- (a) For individuals with mental retardation or developmental disabilities under age 21, specialized services are equal to school services; and
- (b) For individuals with mental retardation or developmental disabilities over age 21, specialized services mean:
 - (A) A consistent and ongoing program that includes participation by the individual in continuous, aggressive training and support to prevent loss of current optimal function;
 - (B) Promotes the acquisition of function, skills, and behaviors necessary to increase independence and productivity; and
 - (C) Is delivered in community-based or vocational settings at a minimum of 25 hours a week.

(75) "Start-Up Costs" mean one-time costs incurred prior to the first resident being admitted. Start-up costs include administrative and nursing salaries, utility costs, taxes, insurance, mortgage and other interest, repairs and maintenance, training costs, etc. Start-up costs do not include such costs as feasibility studies, engineering studies, architect's fees, or other fees that are part of the historical cost of the facility.

(76) "Supervision" means initial direction and periodic monitoring of performance. Supervision does not mean that the supervisor is physically present when the work is performed.

(77) "These Rules" mean the rules in OAR chapter 411, division 070.

(78) "Title XVIII" and "Medicare" means Title XVIII of the Social Security Act.

(79) "Title XIX," "Medicaid," and "Medical Assistance" means Title XIX of the Social Security Act.

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(80) "Uniform Chart of Accounts (Form SPD 35)" means a list of account titles identified by code numbers established by the Department of Human Services for providers to use in reporting their costs.

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

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070 & 414.065

Hist.: PWC 847(Temp), f. & ef. 7-1-77; PWC 859, f. 10-31-77, ef. 11-1-77; PWC 866(Temp), f. 12-30-77, ef. 1-1-78; AFS 19-1978, f. & ef. 5-1-78; AFS 58-1981, f. & ef. 9-1-81; Renumbered from 461-017-0010, AFS 69-1981, f. 9-30-81, ef. 10-1-81; SSD 6-1985, f. 5-31-85, ef. 6-1-85; SSD 20-1990, f. & cert. ef. 10-4-90; SSD 6-1993, f. 6-30-93, cert. ef. 7-1-93; SSD 8-1994, f. & cert. ef. 12-1-94; SSD 1-1997, f. 6-30-97, cert. ef. 7-1-97; SPD 9-2006, f. 1-26-06, cert. ef. 2-1-06; SPD 12-2007, f. 8-30-07, cert. ef. 9-1-07; SPD 15-2007(Temp), f. & cert. ef. 9-10-07 thru 3-8-08; SPD 2-2008, f. 2-29-08, cert. ef. 3-1-08; SPD 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; SPD 15-2009, f. 11-30-09, cert. ef. 12-1-09; SPD 12-2012(Temp), f. 8-31-12, cert. ef. 9-1-12 thru 2-28-13; SPD 2-2013, f. & cert. ef. 3-1-13; SPD 37-2013(Temp), f. 10-4-13, cert. ef. 10-7-13 thru 4-5-14; APD 2-2014, f. 3-13-14, cert. ef. 4-1-14

411-070-0300

Filing of Financial Statement

(1) The provider must file annually with the Department, Financial Audit Unit, the Nursing Facility Financial Statement (NFFS) covering actual costs based on the facility's fiscal reporting period for the period ending June 30. A NFFS must be filed for other than a year only when necessitated by termination of a provider agreement with the Department, or by a change in ownership, or when directed by the Department. Financial reports containing up to 15 months of financial data are accepted for the reasons above or with the Department's permission prior to filing.

(2) A NFFS is due on or before October 31 or within three months of a change of ownership or withdrawal from the program.

(a) A NFFS must be postmarked on or before the due date to be considered timely. An extension may not be obtained.

(b) A penalty is assessed and collected when a NFFS is not postmarked within the due date. The amount of the penalty is \$5 per licensed nursing facility bed per day for each State of Oregon business day the NFFS is late. The total penalty may not exceed \$50,000 per fiscal reporting period. For purposes of this section, the number of licensed nursing facility beds is the number of beds licensed on the last day of the fiscal reporting period that the facility failed to submit a NFFS.

(c) The Department may assess interim penalties and deduct the amount of the interim penalties from the next Medicaid payment payable to the facility. Each interim penalty is the amount of the penalty that has accrued under subsection (2)(b) of this section to the date of assessment, and has not already been assessed as an interim penalty.

(d) A facility may request an informal conference or contested case hearing pursuant to ORS 183.413 through 183.470 within 30 days of receiving a letter from the Department informing the facility of assessment of an interim penalty or a penalty under this rule. OAR 411-070-0435 applies to such requests and sets forth the procedures to be followed. If no request for an informal conference or contested case hearing is made within 30 days of receiving such a letter, the interim penalty or penalty becomes final in all respects, including liability for payment of and the amount of the interim penalty or penalty.

(3) An improperly completed or incomplete NFFS is returned to the facility for proper completion.

(4) FORMS.

(a) Form SPD 35 is a uniform cost report to be used by all nursing facility providers, except those that are hospital based.

(b) Form SPD 35A is a uniform cost report to be used by all nursing facility providers that are hospital based.

(c) Forms SPD 35 and SPD 35A must be completed in accordance with the Medicaid Nursing Facility Services Provider Guide and Audit Manual.

(5) If a provider knowingly or with reason to know files a NFFS containing false information, such action constitutes cause for termination of its agreement with the Department. Providers filing false reports may be referred for prosecution under applicable statutes.

(6) Each required NFFS must be signed by a company or corporate officer or a person designated by the corporate officers to sign. If a NFFS is prepared by someone other than an employee of the provider, the individual preparing the NFFS must also sign and indicate his or her status with the provider.

(7) Facilities with fewer than 1000 Medicaid resident days during a twelve-month reporting period or fewer than 2.74 Medicaid resident days per calendar day, for facilities with reporting periods of less than a year, are not required to submit a SPD 35 or SPD 35A but must submit a letter to the Department indicating the nursing facility is not submitting a NFFS. This letter is due the same day a NFFS would have been due.

(8) A NFFS must be filed annually by each facility for the fiscal reporting period that ends June 30. The NFFS filed for the period that ends June 30 is required to cover actual costs during the previous state fiscal year from July 1 through June 30.

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

Stat. Auth.: ORS 414.070

Stats. Implemented: ORS 410.070 & 2013 OL Ch. 608

Hist.: PWC 866(Temp), f. 12-30-77, ef. 1-1-78; AFS 19-1978, f. & ef. 5-1-78; Renumbered from 461-017-0300 by Ch. 784, OL 1981 & AFS 69-1981, f. 9-30-81, ef. 10-1-81; SSD 6-1985, f. 5-31-85, ef. 6-1-85; SSD 10-1986, f. & ef. 7-1-86; SSD 8-1988, f. & cert. ef. 7-1-88; SSD 8-1991, f. & cert. ef. 4-1-91; SSD 14-1991(Temp), f. 6-28-91, cert. ef. 7-1-91; SSD 18-1991, f. 9-27-91, cert. ef. 10-1-91; SSD 6-1993, f. 6-30-93, cert. ef. 7-1-93; SSD 8-1994, f. & cert. ef. 12-1-94; SSD 1-1997, f. 6-30-97, cert. ef. 7-1-97; SPD 9-2006, f. 1-26-06, cert. ef. 2-1-06; SPD 15-2009, f. 11-30-09, cert. ef. 12-1-09; SPD 37-2013(Temp), f. 10-4-13, cert. ef. 10-7-13 thru 4-5-14; APD 2-2014, f. 3-13-14, cert. ef. 4-1-14

411-070-0437

Quality and Efficiency Incentive Program

(1) ESTABLISHMENT. Effective October 7, 2013 through December 31, 2015, the Department establishes the Quality and Efficiency Incentive Program (Program) in order to implement Enrolled House Bill 2216 (Chapter 608, 2013 Oregon Laws). The Program is designed to reimburse quality nursing facilities that voluntarily reduce bed capacity that increases occupancy levels and enhances efficiency with the goal of slowing the growth of system-wide costs. The Department may provide additional compensation to nursing facilities who qualify for the legislatively approved Program. Such compensation may not exceed \$9.75 per resident day and may not exceed four years from the date of eligibility. Eligibility to participate in this Program sunsets on December 31, 2015.

(2) CAPACITY REDUCTION DISCUSSIONS. If two or more providers wish to initiate discussions concerning reduction of bed capacity in a community, the providers must notify the Department. The notice must identify the community and state that the parties wish to discuss reduction of bed capacity in that market pursuant to the Program.

(a) Upon receipt of a notice to discuss reduction of bed capacity, the Department shall review the notice and either approve or disapprove the proposed preliminary discussion. The Department shall approve the preliminary discussion if the community is one in which the proposed capacity reduction is consistent with the goals of the Program.

(b) If the Department approves the preliminary discussion, the Department shall notify the providers who requested approval and shall schedule a meeting at which a Department representative shall be made available to supervise the discussion. Providers in the affected market may attend the meeting and may discuss capacity reduction for that market under the supervision of the Department.

(c) The Department shall determine the time, place, and mechanism to discuss the reduction of bed capacity. The discussions may be held in-person or by means of conference call, video conference, or such other means that allow for each participant to hear and be heard by the other participant at the same time.

(d) Notice to the Department is not required for two providers who wish to discuss a specific transfer of bed capacity.

(3) CAPACITY REDUCTION TRANSACTIONS. Prior to any purchase of bed capacity under the Program, the parties to the transaction must notify the Department.

(a) The notice must describe the parties, the specific facilities, the proposed transaction, and the acquisition plan for the transaction.

(b) The acquisition plan must include documentation demonstrating that:

(A) The purchasing operator is able to meet or arrange for the needs of the individuals residing in the selling facility and meet all change of ownership or operator and closure criteria as described in OAR 411-085-0025;

(B) The selling operator meets the eligibility criteria described in section (5) of this rule and meets the criteria for nursing facility closure described in OAR 411-085-0025;

(C) Bed capacity in the community shall be reduced as a result of the transaction; and

(D) The transaction does not compromise care or health status of residents.

(c) The Department may approve the acquisition plan, disapprove the acquisition plan, or request further information or changes in the acquisition plan. The Department shall approve the transaction upon finding that the acquisition plan is expected to satisfy conditions (A) through (D) in subsection (b) of this section. If the Department approves or disapproves the transaction, the Department shall issue an order approving or disapproving the transaction.

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proving the transaction and explaining how conditions (A) through (D) in subsection (b) of this section are satisfied or not satisfied.

(d) The purchasing operator may receive incentives under the Program only if the Department approves the transaction and the purchasing and selling operators complete the transaction as described in the acquisition plan. The purchasing operator and selling operator are entitled to state action antitrust immunity for the transaction only if the Department approves the transaction.

(e) Once approved for participation in the Program, the selling facility must provide all notices and meet the other requirements of a facility closure under OAR 411-085-0025, including limiting admissions of residents to the facility.

(4) COMMUNITY TRANSITION MEETING.

(a) The Department, in consultation with the Long Term Care Ombudsman, shall convene a regional planning meeting in communities in which a facility plans to surrender the facility's license under these rules. The meeting shall engage the community in:

(A) Planning to promote the safety and dignity of residents who shall be impacted by the surrender;

(B) A discussion regarding the local need for more home and community-based settings; and

(C) Assessing opportunities for more residential programs and supporting residential capacity.

(b) The Community Transition Meeting is initiated by the Department upon approval of an acquisition as described in this rule.

(5) ELIGIBILITY. The eligibility requirements for participation in the Program are:

(a) The nursing facility bed capacity being sold (the "selling facility") is not an Essential Nursing Facility or from a facility operated on behalf of the Oregon Department of Veteran's Affairs; and

(b) The selling facility's entire bed capacity is purchased and the seller agrees to surrender the nursing facility's license on the earlier of the date that:

(A) The last resident is transferred from the facility; or

(B) 180 days after the effective date of the sale of the facility bed capacity.

(c) A Program applicant (the "purchasing operator") must meet all of the following criteria at the time of the acquisition plan submission:

(A) Operate one or more facilities licensed by the Department as a nursing facility;

(B) Must be determined to be in substantial compliance from the annual licensing and recertification survey at the date of the acquisition plan submission; and

(C) Have no substantiated facility abuse meeting the criteria in ORS 441.715(2)(c) within six months of the date of the acquisition plan submission.

(d) The selling facility must provide all notices and meet the requirements of a facility closure under OAR 411-085-0025.

(6) ANTITRUST PROVISION.

(a) The Department declares its intent to exempt from state antitrust laws and provide state action immunity from federal antitrust laws individuals and entities that engage in transactions, meetings, or surveys described in sections (2) and (3) of this rule that might otherwise be constrained by such laws.

(b) The following activities are not immunized from antitrust liability:

(A) Agreements among competing providers to reduce the number of beds they operate outside of a sale;

(B) Provider meetings to discuss bed reduction strategies outside of the negotiation of a specific sale and where no Department representative is in attendance; or

(C) Collateral agreements between competing providers that involve their pricing strategies, how to respond to requests for proposals, or other discussions outside the sale of facilities.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070 & 2013 OL Ch. 608

Hist.: SPD 37-2013(Temp), f. 10-4-13, cert. ef. 10-7-13 thru 4-5-14; APD 2-2014, f. 3-13-14, cert. ef. 4-1-14

411-070-0442

Calculation of the Basic Rate and Complex Medical Add-on Rate

(1) The rates are determined annually and referred to as the Rebasing Year.

(a) The basic rate is based on the statements received by the Department by October 31 for the fiscal reporting period ending on June 30 of the previous year. For example, for the biennium beginning July 1, 2013,

statements for the period ending June 30, 2012 are used. The Department desk reviews or field audits these statements and determines the allowable costs for each nursing facility. The costs include both direct and indirect costs. The costs and days relating to pediatric beds are excluded from this calculation. The Department only uses financial reports of facilities that have been in operation for at least 180 days and are in operation as of June 30.

(b) For each facility, its allowable costs are applied, less the costs of its self-contained pediatric unit (if any) is inflated from the mid-point of its fiscal reporting period to the mid-point of the first year of the biennium, hereafter referred to as the base year (e.g., for the biennium beginning July 1, 2013, the base year is the fiscal period ending June 30, 2014) by the annual change in the DRI Index, or its successor index, as measured in the previous 4th quarter.

(c) For each facility, its allowable costs per Medicaid day is determined using the allowable costs as inflated and resident days, excluding pediatric days as reported in the statement.

(d) The facilities are ranked from highest to lowest by the facility's allowable costs, per Medicaid day.

(e) The basic rate is determined by ranking the allowable costs per Medicaid day by facility and identifying the allowable cost per day at the applicable percentage. If there is no allowable cost per day at the applicable percentage, the basic rate is determined by interpolating the difference between the allowable costs per day that are just above and just below the applicable percentage to arrive at a basic rate at the applicable percentage. The applicable percentage for the period beginning July 1, 2013 is at the 63rd percentile.

(2) The Department provides an augmented rate to nursing facilities who qualify under the Quality and Efficiency Incentive Program as described in OAR 411-070-0437. To receive the augmented rate, the bed capacity must be purchased on or after October 7, 2013 and on or before December 31, 2015. The qualifying nursing facility is paid the augmented rate for each Medicaid-eligible resident.

(3) Nursing facility bed capacity in Oregon shall be reduced by 1,500 beds by December 31, 2015, except for bed capacity in nursing facilities operated by the Department of Veteran's Affairs and facilities that either applied to the Oregon Health Authority for a certificate of need between August 1, 2011 and December 1, 2012, or submitted a letter of intent under ORS 442.315(7) between January 15, 2013 and January 31, 2013. An official bed count measurement shall be determined and issued by the Department prior to July 1, 2016 and each quarter thereafter if the goal of reducing the nursing facility bed capacity in Oregon by 1,500 beds is not achieved.

(a) For the period beginning July 1, 2013 and ending June 30, 2016, the Department shall reimburse costs as set forth in section (1) of this rule at the 63rd percentile.

(b) For each three-month period beginning on or after July 1, 2016 and ending June 30, 2020, in which the reduction in bed capacity in licensed facilities is less than the goal described in this section, the Department shall reimburse costs at a rate not lower than the percentile of allowable costs according to the following schedule:

(A) 63rd percentile for a reduction of 1,500 or more beds.

(B) 62nd percentile for a reduction of 1,350 or more beds but less than 1,500 beds.

(C) 61st percentile for a reduction of 1,200 or more beds but less than 1,350 beds.

(D) 60th percentile for a reduction of 1,050 or more beds but less than 1,200 beds.

(E) 59th percentile for a reduction of 900 or more beds but less than 1,050 beds.

(F) 58th percentile for a reduction of 750 or more beds but less than 900 beds.

(G) 57th percentile for a reduction of 600 or more beds but less than 750 beds.

(H) 56th percentile for a reduction of 450 or more beds but less than 600 beds.

(I) 55th percentile for a reduction of 300 or more beds but less than 450 beds.

(J) 54th percentile for a reduction of 150 or more beds but less than 300 beds.

(K) 53rd percentile for a reduction of 1 to 149 beds.

(4) The complex medical add-on rate is 40 percent of the basic rate.

(5) The Department shall add a standard payment to fund implementation of certified nursing assistant staffing requirements contained in OAR 411-086-0100 in accordance with the Legislatively Adopted Budget.

Stat. Auth.: ORS 410.070

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Stats. Implemented: ORS 410.070, 2003 OL Ch. 736, 2007 OL Ch. 780, 2009 OL Ch. 827, 2011 OL Ch. 630 & 2013 OL Ch. 608
Hist.: SPD 36-2004, f. 12-23-04, cert. ef. 12-28-04; SPD 15-2007(Temp), f. & cert. ef. 9-10-07 thru 3-8-08; SPD 2-2008, f. 2-29-08, cert. ef. 3-1-08; SPD 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; SPD 15-2009, f. 11-30-09, cert. ef. 12-1-09; SPD 17-2011(Temp), f. & cert. ef. 7-1-11 thru 12-28-11; SPD 22-2011, f. 10-7-11, cert. ef. 11-1-11; SPD 10-2012, f. 7-31-12, cert. ef. 8-1-12; SPD 37-2013(Temp), f. 10-4-13, cert. ef. 10-7-13 thru 4-5-14; SPD 39-2013(Temp), f. 10-4-13, cert. ef. 10-7-13 thru 4-5-14; APD 2-2014, f. 3-13-14, cert. ef. 4-1-14

**Department of Human Services,
Self-Sufficiency Programs
Chapter 461**

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

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

Filed with Sec. of State: 3-5-2014

Certified to be Effective: 3-5-14 thru 9-1-14

Notice Publication Date:

Rules Amended: 461-190-0211

Subject: OAR 461-190-0211 about case plan activities and standards for support services is being amended to allow the department to issue support services to an individual who has become over-income for the Temporary Assistance for Needy Families (TANF) program due to earnings in a TANF/Job Opportunity and Basic Skills (JOBS) program on-the-job training activity. Under this rule amendment, the Department may issue support services to such individuals for no more than three months, unless circumstances unique to the situation are identified and warrant the Department to approve a limited number of additional months, and only while the individual continues to participate in the on-the-job training activity.

Rules Coordinator: Kris Skaro—(503) 945-6067

461-190-0211

Case Plan Activities and Standards for Support Service Payments; JOBS, Post-TANF, Pre-TANF, REF, SFPSS, TA-DVS, TANF

In the JOBS, Post-TANF, Pre-TANF, REF, SFPSS, TA-DVS, and TANF programs, notwithstanding any other administrative rule in Chapter 461 and subject to the limitations of state funding, the following special provisions apply:

(1) Participation in an activity (see OAR 461-001-0025) is limited as provided in each of the following subsections:

(a) An individual who is determined to be a work-eligible individual according to federal definition (45 CFR 261.2(n)(1)). Unless section (10) or (11) of this rule applies, no other individual may participate in and access JOBS contract activities and support services (see OAR 461-001-0025).

(b) An individual who is an applicant in the Pre-TANF program, a recipient of TANF or Post-TANF program benefits, or has become over-income due to earnings in an on-the-job training (see OAR 461-001-0025) activity pursuant to section (11) of this rule.

(2) For eligible individuals, subject to the requirements and limitations in sections (1), (5), (6), and (7) of this rule, the following activities will be available, and include support services payments if needed:

(a) Job search (see OAR 461-001-0025).

(b) JOBS Plus (see OAR 461-001-0025 and 461-101-0010) is limited to six months per individual, unless circumstances unique to the employment situation are identified and warrant the Department to approve a limited number of additional months.

(c) Work experience (see OAR 461-001-0025).

(d) Sheltered or supported work (see OAR 461-001-0025).

(e) High School or GED Completion Attendance (see OAR 461-001-0025).

(f) Parents as Scholars (see OAR 461-001-0025).

(g) Limited family stability (see OAR 461-001-0000).

(A) Drug and alcohol services (see OAR 461-001-0025).

(B) Mental health services (see OAR 461-001-0025).

(C) Attending medical appointments or services.

(D) Rehabilitative activities (see OAR 461-001-0025).

(E) Crisis Intervention (see OAR 461-001-0025).

(F) SSI application process.

(h) Vocational training (see OAR 461-001-0025).

(i) Life Skills (see OAR 461-001-0025).

(j) On-the-job training (see OAR 461-001-0025).

(k) Unsubsidized employment (work).

(1) Adult Basic Education (see OAR 461-001-0025).

(3) The following activities will not include support services payments:

(a) Domestic Violence Intervention.

(b) Family Support & Connections.

(c) Microenterprise (see OAR 461-001-0025).

(d) Post-TANF.

(e) Program entry (see OAR 461-001-0025).

(f) Self Initiated Training (see OAR 461-001-0025).

(4) Participation in an activity is based on whether an individual is Job Ready, Near Job Ready, Not Job Ready, or a teen parent (see OAR 461-001-0000 and 461-001-0025).

(a) Job Ready means the individual has no barrier (see OAR 461-001-0025) or current barriers do not impact participation or employment. In addition, the individual has all of the following:

(A) Prior stable work history, either paid or unpaid.

(B) Had not voluntarily quit or been dismissed from their most recent employment (see OAR 461-135-0070), without good cause (see OAR 461-135-0070).

(C) Reliable or available transportation.

(D) No outstanding legal issues that would impact or prevent employment.

(E) Access to reliable child care within support services limits, or does not need help to pay for child care, or does not need child care.

(b) Near Job Ready means the individual has minimal barriers to participation or employment and the individual is addressing the barriers. In addition, the individual has all of the following:

(A) Limited or no work history, either paid or unpaid.

(B) Reliable or available transportation.

(C) No outstanding legal issues that would impact or prevent employment, or such legal issues are identified and are being addressed.

(D) Access to reliable child care within support services limits, or does not need help to pay for child care, or does not need child care.

(c) Not Job Ready means the individual has one or more barriers to participation or employment or is in crisis, and the individual is not addressing the barriers. For example, the individual has one or more of the following:

(A) Lack of stable housing that is preventing participation in an activity or employment.

(B) Domestic violence, mental health or alcohol and drug issues, and the individual is not addressing the issue.

(C) Medical issues that prevent participation in an activity or employment.

(D) Outstanding legal issues that would impact or prevent employment.

(E) Literacy issues that impact the ability for the individual to participate in an activity or obtain employment.

(5) In approving JOBS program support services payments, the Department must consider lower cost alternatives. It is not the intent of the Department or of this rule to supplant Department funding with other funding that is available in the community. It is the Department's expectation that case managers and clients will work collaboratively to seek resources that are reasonably available to the client in order to participate in activities.

(6) Payments for support services are only provided when:

(a) Necessary to participate in activities in a signed case plan;

(b) Authorized in advance; and

(c) All other provisions of this rule are met.

(7) Payments for support services are subject to the following limitations:

(a) Child Care. Payments for child care may be authorized, as limited by OAR 461-160-0040, if necessary to enable Job Ready or Near Job Ready individuals or teen parents to participate in an approved JOBS program activity specified in the individual's case plan, or a Not Job Ready individual approved by the district to complete a family stability activity. If authorized, payment for child care will be:

(A) The lesser of the actual rate charged by the care provider and the rate established in OAR 461-155-0150. The Department rate for children in care less than 158 hours in a month is limited by OAR 461-155-0150.

(B) The minimum hours necessary, including meal and commute time, for the individual to participate in an approved JOBS program activity.

(b) Transportation. The Department may provide payments for a Job Ready or Near Job Ready individual or teen parent for transportation costs incurred in travel to and from an approved JOBS program activity or a Not

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Job Ready individual approved by the district to complete a family stability activity. Payment is made only for the cost of public transportation or the cost of fuel. Payments are subject to the following considerations:

(A) Payment for public transportation is a priority over payment for a privately owned vehicle.

(B) Payment for fuel costs for a privately-owned vehicle is only provided if the client or individual providing the transportation has a valid driver's license and vehicle insurance and either of the following is true:

(i) No public transportation is available or the client is unable to use public transportation because of a verifiable medical condition or disability for which no accommodation is available.

(ii) Public transportation is available but is more costly than the cost of fuel.

(c) Housing and Utilities. Payments for housing and utilities are not allowed.

(d) Other Payments. When the need is identified by the district and no other sources are available, the Department may provide other payments needed:

(A) To look for work.

(B) To accept a job offer.

(C) To attain a high school diploma or GED.

(D) For books and supplies for a participant to complete a district-approved vocational training.

(E) Other payments with manager approval that are not otherwise restricted by rule.

(e) None of the following payments are allowed:

(A) Non-essential items.

(B) Television, cable, and internet.

(C) Fines, reinstatement fees, restitution, legal fees, civil fees, court costs, or other costs associated with a penalty.

(D) Purchase of a car, recreational vehicle, or motor home.

(E) Support services for exempt individuals.

(F) Pet-related costs.

(G) ERDC co-payments.

(8) The Department may require an individual to provide verification of a need for, or costs associated with, support services prior to approval and issuance of payment if verification is reasonably available.

(9) The Department may reduce, close, or deny in whole or in part an individual's request for a support services payment in the following circumstances:

(a) The individual is disqualified for failing to comply with a case plan, unless the payment in question is necessary for the individual to demonstrate cooperation with his or her case plan.

(b) The purpose of the payment is not related to the individual's case plan.

(c) The individual disagrees with a support services payment offered or made by the Department as outlined in the individual's case plan.

(d) The individual is not determined to be a Job Ready or Near Job Ready individual, a Not Job Ready individual in a family stability activity, or a teen parent.

(10) An individual who has gone over-income for the TANF program due to earnings and needs to increase activity hours to meet Post-TANF federally required participation rates (see OAR 461-001-0025) may be a volunteer and participate.

(11) An individual who has become over-income for the TANF program due to earnings in an on-the-job training activity is eligible to receive support services (see OAR 461-001-0025) for no more than three months, unless circumstances unique to the situation are identified and warrant the Department to approve a limited number of additional months. Eligibility for support services under this section is only permitted while the individual continues to participate in the on-the-job training activity.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 412.006, 412.009, 412.014, 412.049, 412.124 & 2013 OL Ch. 722

Stats. Implemented: ORS 409.010, 411.060, 411.070, 412.001, 412.006, 412.009, 412.014, 412.049, 412.124 & 2013 OL Ch. 722

Hist.: AFS 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 9-1991, f. 3-29-91, cert. ef. 4-1-91; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 26-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 36-1996, f. 10-31-96, cert. ef. 11-1-96; AFS 18-1998, f. & cert. ef. 10-2-98; AFS 2-1999, f. 3-26-99, cert. ef. 4-1-99; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; SSP 33-2003, f. 12-31-03, cert. ef. 1-4-04; SSP 21-2004, f. & cert. ef. 10-1-04; SSP 11-2005(Temp), f. & cert. ef. 9-1-05 thru 12-31-05; SSP 19-2005, f. 12-30-05, cert. ef. 1-1-06; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 32-2010, f. & cert. ef. 10-1-10; SSP 42-2010(Temp), f. 12-30-10, cert. ef. 1-1-11 thru 6-30-11; SSP 10-2011, f. 3-31-11, cert. ef. 4-1-11; SSP 19-2011(Temp), f. & cert. ef. 7-1-11 thru 12-28-11; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 30-2011(Temp), f. & cert. ef. 11-1-11 thru 4-29-12; SSP 11-2012, f. & cert. ef. 4-6-12; SSP 12-2012(Temp), f. & cert. ef. 4-6-12 thru 9-30-12; SSP 18-2012(Temp), f. & cert. ef. 5-23-12 thru 9-30-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12; SSP 34-2012(Temp), f. & cert. ef. 11-6-12 thru 5-5-13; SSP 38-2012(Temp), f. 12-28-12, cert. ef. 1-1-13 thru 5-5-13;

SSP 2-2013(Temp), f. & cert. ef. 1-23-13 thru 5-5-13; SSP 8-2013, f. & cert. ef. 4-1-13; SSP 15-2013(Temp), f. & cert. ef. 7-1-13 thru 12-28-13; SSP 24-2013, f. & cert. ef. 10-1-13; SSP 6-2014(Temp), f. & cert. ef. 3-5-14 thru 9-1-14

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

Adm. Order No.: SSP 7-2014

Filed with Sec. of State: 3-7-2014

Certified to be Effective: 3-7-14

Notice Publication Date: 2-1-2014

Rules Amended: 461-155-0290, 461-155-0291, 461-155-0295

Rules Repealed: 461-155-0290(T), 461-155-0291(T), 461-155-0295(T)

Subject: OAR 461-155-0290 about income standards for QMB-BAS, OAR 461-155-0291 about income standards for QMB-DW, and OAR 461-155-0295 about income standards for QMB-SMB and QMB-SMF are being amended to adjust these standards to reflect the annual updates to the federal poverty level will occur March of 2014. These amendments keep Oregon aligned with current federal standards for Department Medicaid programs and changes in the federal poverty level.

Rules Coordinator: Kris Skaro—(503) 945-6067

461-155-0290

Income Standard; QMB-BAS

The adjusted income standard for the QMB-BAS program is 100 percent of the 2014 federal poverty level. [Table not included. See ED. NOTE.]

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

Stat. Auth.: ORS 411.060 & 411.070

Stats. Implemented: ORS 411.060 & 411.070

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90; AFS 16-1990, f. 6-29-90, cert. ef. 7-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 9-1991, f. 3-29-91, cert. ef. 4-1-91; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 5-1993, f. & cert. ef. 4-1-93; AFS 6-1994, f. & cert. ef. 4-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 16-1996, f. 4-29-96, cert. ef. 5-1-96; AFS 5-1997, f. 4-30-97, cert. ef. 5-1-97; AFS 6-1998(Temp), f. 3-30-98, cert. ef. 4-1-98 thru 5-31-98; AFS 8-1998, f. 4-28-98, cert. ef. 5-1-98; AFS 3-1999, f. 3-31-99, cert. ef. 4-1-99; AFS 10-2000, f. 3-31-00, cert. ef. 4-1-00; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 5-2002, f. & cert. ef. 4-1-02; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 8-2004, f. & cert. ef. 4-1-04; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 4-2006, f. & cert. ef. 3-1-06; SSP 2-2007(Temp), f. & cert. ef. 3-1-07 thru 3-31-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 6-2008(Temp), f. 2-29-08, cert. ef. 3-1-08 thru 8-28-08; SSP 8-2008, f. & cert. ef. 4-1-08; SSP 6-2009(Temp), f. & cert. ef. 4-1-09 thru 9-28-09; SSP 13-2009, f. & cert. ef. 7-1-09; SSP 8-2011(Temp), f. & cert. ef. 3-1-11 thru 8-28-11; SSP 17-2011, f. & cert. ef. 7-1-11; SSP 6-2012, f. & cert. ef. 3-1-12; SSP 6-2013, f. & cert. ef. 3-1-13; SSP 4-2014(Temp), f. 2-4-14, cert. ef. 3-1-14 thru 8-28-14; SSP 7-2014, f. & cert. ef. 3-7-14

461-155-0291

Income Standard; QMB-DW

The adjusted income standard for the QMB-DW program is 200 percent of the 2014 federal poverty level (see OAR 461-155-0290). [Table not included. See ED. NOTE.]

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

Stat. Auth.: ORS 411.060 & 411.070

Stats. Implemented: ORS 411.060 & 411.070

Hist.: AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 9-1991, f. 3-29-91, cert. ef. 4-1-91; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 5-1993, f. & cert. ef. 4-1-93; AFS 6-1994, f. & cert. ef. 4-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 16-1996, f. 4-29-96, cert. ef. 5-1-96; AFS 5-1997, f. 4-30-97, cert. ef. 5-1-97; AFS 6-1998(Temp), f. 3-30-98, cert. ef. 4-1-98 thru 5-31-98; AFS 8-1998, f. 4-28-98, cert. ef. 5-1-98; AFS 3-1999, f. 3-31-99, cert. ef. 4-1-99; AFS 10-2000, f. 3-31-00, cert. ef. 4-1-00; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 5-2002, f. & cert. ef. 4-1-02; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 8-2004, f. & cert. ef. 4-1-04; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 4-2006, f. & cert. ef. 3-1-06; SSP 2-2007(Temp), f. & cert. ef. 3-1-07 thru 3-31-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 6-2008(Temp), f. 2-29-08, cert. ef. 3-1-08 thru 8-28-08; SSP 8-2008, f. & cert. ef. 4-1-08; SSP 6-2009(Temp), f. & cert. ef. 4-1-09 thru 9-28-09; SSP 13-2009, f. & cert. ef. 7-1-09; SSP 8-2011(Temp), f. & cert. ef. 3-1-11 thru 8-28-11; SSP 17-2011, f. & cert. ef. 7-1-11; SSP 8-2012, f. & cert. ef. 3-1-12; SSP 6-2013, f. & cert. ef. 3-1-13; SSP 4-2014(Temp), f. 2-4-14, cert. ef. 3-1-14 thru 8-28-14; SSP 7-2014, f. & cert. ef. 3-7-14

461-155-0295

Income Standard; QMB-SMB, QMB-SMF

(1) Eligibility for QMB-SMB requires income greater than 100 percent (see OAR 461-155-0290) but less than 120 percent of the federal poverty level. The adjusted income standard for QMB-SMB is 120 percent of the 2014 federal poverty level. [Table not included. See ED. NOTE.]

(2) Eligibility for QMB-SMF requires income equal to or greater than 120 percent (see section (1) of this rule) but less than 135 percent of the federal poverty level. The adjusted income standard for QMB-SMF is 135 per-

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cent of the 2014 federal poverty level. [Table not included. See ED. NOTE.]

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

Stat. Auth.: ORS 411.060 & 411.070

Stats. Implemented: ORS 411.060 & 411.070

Hist.: AFS 35-1992, f. 12-31-92, cert. ef. 1-1-93; AFS 5-1993, f. & cert. ef. 4-1-93; AFS 6-1994, f. & cert. ef. 4-1-94; AFS 29-1994, f. 12-29-94, cert. ef. 1-1-95; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 16-1996, f. 4-29-96, cert. ef. 5-1-96; AFS 5-1997, f. 4-30-97, cert. ef. 5-1-97; AFS 24-1997, f. 12-31-97, cert. ef. 1-1-98; AFS 6-1998(Temp), f. 3-30-98, cert. ef. 4-1-98 thru 5-31-98; AFS 8-1998, f. 4-28-98, cert. ef. 5-1-98; AFS 3-1999, f. 3-31-99, cert. ef. 4-1-99; AFS 10-2000, f. 3-31-00, cert. ef. 4-1-00; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 5-2002, f. & cert. ef. 4-1-02; AFS 19-2002(Temp), f. 12-10-02, cert. ef. 1-1-03 thru 5-31-03; AFS 22-2002, f. 12-31-02, cert. ef. 1-1-03; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 8-2004, f. & cert. ef. 4-1-04; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 4-2006, f. & cert. ef. 3-1-06; SSP 2-2007(Temp), f. & cert. ef. 3-1-07 thru 3-31-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 6-2008(Temp), f. 2-29-08, cert. ef. 3-1-08 thru 8-28-08; SSP 8-2008, f. & cert. ef. 4-1-08; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 6-2009(Temp), f. & cert. ef. 4-1-09 thru 9-28-09; SSP 13-2009, f. & cert. ef. 7-1-09; SSP 8-2011(Temp), f. & cert. ef. 3-1-11 thru 8-28-11; SSP 17-2011, f. & cert. ef. 7-1-11; SSP 8-2012, f. & cert. ef. 3-1-12; SSP 6-2013, f. & cert. ef. 3-1-13; SSP 4-2014(Temp), f. 2-4-14, cert. ef. 3-1-14 thru 8-28-14; SSP 7-2014, f. & cert. ef. 3-7-14

Department of Public Safety Standards and Training Chapter 259

Rule Caption: To correct an inadvertent filing error regarding discretionary disqualifying crimes.

Adm. Order No.: DPSST 7-2014(Temp)

Filed with Sec. of State: 2-27-2014

Certified to be Effective: 2-27-14 thru 8-1-14

Notice Publication Date:

Rules Amended: 259-008-0070

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

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

This temporary rule corrects this error while the permanent rule process is underway.

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.

Definitions

(2) 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.

Grounds for Mandatory Denial or Revocation of Certification

(3) Mandatory Grounds for Denying or Revoking Certification of a Public Safety Professional:

(a) The Department 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 the Department of a Notice of Intent to Deny or Revoke Certifications (NOI), the public safety professional 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.

(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);

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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);
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);
Any offense involving any acts of domestic violence as defined in ORS 135.230.

(b) The Department must take action on a mandatory disqualifying conviction, regardless of when it occurred, unless the Department, or the Board, has previously reviewed the conviction and approved the public safety professional for certification under a prior set of standards.

Discretionary Disqualifying Misconduct as Grounds for Denying or Revoking Certification

(4) Discretionary disqualifying misconduct as Grounds for Denying or Revoking Certification(s) of a Public Safety Professional:

(a) The Department 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;

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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;
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.
Initial Periods of Ineligibility

(d) 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).
Eligibility to Reapply; Ineligibility Periods

(5) 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.

Guidelines for Denial or Revocation Based on Discretionary Disqualifying Misconduct:

(7) In determining whether to take action on a conviction, the Department must use the following guidelines:

(a) In making a decision on a discretionary denial or revocation, the Department 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 officers adopted in 2001.

(b) The Department will not take action on a conviction constituting discretionary disqualifying misconduct that occurred prior to January 1, 2001. However, the Department may consider such conviction as evidence that a public safety professional does not meet the established moral fitness guidelines.

(c) The Department 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) The Department 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) The Department 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.

Procedure for Denial or Revocation of a Certificate:

(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 the Department the reason for the requested denial or revocation and 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 public safety professional's certification be denied or revoked.

(c) Department Staff Review: When the Department receives information, from any source, that a public safety professional may not meet the established standards for Oregon public safety professionals, 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,

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the Department will request further information from the employer or conduct its own investigation of the matter.

(C) If the Department 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) The Department 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, 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 (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);

(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 per-

sonal 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 Order: 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, 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.

Appeals, Reapplication, and Eligibility Determinations

(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

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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

Rule Caption: To correct an inadvertent filing error regarding denial/suspension/revocation.

Adm. Order No.: DPSST 8-2014(Temp)

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

Certified to be Effective: 3-6-14 thru 8-1-14

Notice Publication Date:

Rules Amended: 259-060-0300

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

On January 28th, 2014, DPSST filed another permanent rule change to OAR 259-060-0300, updating and clarifying the contested case process involving default orders and housekeeping. During the process of this rule change, the permanent changes made to OAR 259-060-0300 on January 2nd, 2014, were inadvertently omitted.

This temporary rule corrects this error while the permanent rule process is underway.

Rules Coordinator: Sharon Huck—(503) 378-2432

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.

Mandatory Grounds for Denying, Suspending or Revoking Private Security Certification or Licensure

(2) 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) 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.

Discretionary Grounds for Denying, Suspending or Revoking Private Security Certification or Licensure

(4) 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;

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(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 which leads to three or more arrests or convictions within a ten-year period prior to application or during certification or licensure.

Procedure for Denial or Revocation of 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.

(B) The Department will seek input from the affected private security provider by allowing the individual to provide, in writing, information for review.

(C) 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.

(D) If the Department determines that a private security provider may have engaged in discretionary disqualifying misconduct, but is unable to reach a consensus to summarily dispose of or administratively close the case, the case will be presented to the Board, through the 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 Order: 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, 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.

Appeals, Ineligibility Period, and Reconsideration.

(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. & cert. ef. 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. & 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

Department of Transportation, Highway Division Chapter 734

Rule Caption: Establishment of Speed Limits on Interstate Highways

Adm. Order No.: HWD 1-2014

Filed with Sec. of State: 2-21-2014

Certified to be Effective: 2-21-14

Notice Publication Date: 1-1-2014

Rules Amended: 734-020-0010

Subject: ORS 810.180 authorizes the Department of Transportation to conduct speed zone investigations and set speeds on most public roads, including interstate highways. As amended, 734-020-0010 allows small changes to the locations of boundaries of current designated speeds (i.e. 55 mph and 60 mph sections) and streamlines the

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process for establishing new designations of speeds up to one mile in length to improve safety. The process for establishing speed limits on the Interstate more than one mile in length remains largely the same, while allowing the Speed Zone Review Panel to determine if certain considerations are necessary.

Rules Coordinator: Lauri Kunze—(503) 986-3171

734-020-0010

Establishment of Speed Limits on Interstate Highways (Except Variable Speed Zones, see OAR 734-020-0018)

(1) Definitions:

(a) "Commission" means the Oregon Transportation Commission.

(b) "Department" means the Oregon Department of Transportation.

(c) "Trucks" means a motor vehicle with a gross vehicle weight greater than 8,000 pounds that is primarily designed or used for carrying or drawing loads other than passengers.

(d) "Interstate congestion level" means the ratio of average daily traffic volumes to capacity for an interstate highway as reported by the Department's congestion management system.

(e) "Rate" means the number of crashes, injuries, or fatalities per vehicle miles traveled on a lineal section of roadway.

(f) "Speed Zone Review Panel" means the advisory committee created (by OAR 734-020-0015) to hear contested speed zone cases on public roadways in Oregon. Membership consists of representatives from the Oregon State Police, the Oregon Transportation Safety Committee, the League of Oregon Cities, the Association of Oregon Counties and the Department of Transportation.

(2) Process for Establishing a Speed Limit on Sections of Interstate Highway Exceeding One Mile in Length. The following procedures apply when the Department of Transportation proposes to establish a speed limit on any section of interstate highway more than one mile in length under ORS 810.180 (for less than one mile see Section (3) of this rule):

(a) The Department will establish sections of interstate highway for investigation based on the site specific characteristics such as crash history, physical conditions and traffic conditions. Sections will be as long as possible in order to achieve consistency in speed zoning on interstate highways. For each section of interstate highway under consideration the Department will prepare an engineering investigation report that will include all of the following:

(A) The average speed and the speed at or below which 85 percent of the vehicles sampled were traveling.

(B) Crash data to include the total number and rates for all crashes, injuries and fatalities.

(C) Law enforcement review and input including enforcement levels.

(D) The speeds, the crash data, and the law enforcement input required by paragraphs (A) through (C) of this subsection collected separately for trucks and for all other vehicles.

(E) Roadway geometry and physical characteristics, including curvature, interchange spacing, lane widths, and shoulder widths.

(F) Traffic characteristics, including the interstate congestion levels, average daily volumes, and the percentage of trucks.

(G) Emergency medical services availability, including response times.

(H) Trucking restrictions, including weight and height restrictions.

(I) Type and frequency of adverse road conditions, including weather, environment, and visibility.

(b) The Speed Zone Review Panel will determine if an issues report documenting potential impacts, benefits, and issues related to changes in interstate highway speed limits will be required and what items need to be included. The report will be applicable to all sections of interstate highway under consideration. The Speed Zone Review Panel may require the Department to include one or more of the following items, but this does not limit the Department to include only those items the Panel selects within the issues report:

(A) Current available local, national and international research on interstate highway speed limits changes as it relates to:

(i) Changes in fatalities and injuries and their corresponding impacts to emergency medical services and trauma care;

(ii) Environmental pollution and fuel efficiency issues; and

(iii) Economic effects, including changes in travel efficiency and movement of goods.

(B) Speed enforcement practices.

(c) The Department will recommend a speed that is indicated by the engineering investigation report required by subsection (a) and an issues report if required by the Speed Zone Review Panel in subsection (b) of this

section to be reasonable and safe under the conditions found to exist for each section of interstate highway being considered.

(d) If the speed recommended in subsection (c) of this section is greater or less than the existing speed, the Department will prepare a draft rule specifying the recommended speed(s) and present it to the Speed Zone Review Panel.

(e) The Speed Zone Review Panel will determine if one or more public meetings in the same region as the section(s) of interstate highway under consideration are required for the purpose of receiving comments from the public. If public meetings are required, the Department will provide notification to the public at least 30 days prior to any such meeting.

(f) The Department will prepare a report of the comments received at the public meeting(s) required by subsection (e) of this section, including both general comments and those for a specific section of interstate highway.

(g) The Speed Zone Review Panel will make a recommendation to the Commission of a reasonable and safe speed for a section of interstate highway under the conditions found to exist and as indicated by the engineering investigation report, the issues report if required, and comments received at the public meetings. A Panel report shall explain the basis of the recommendation.

(h) The Commission will hold a public hearing prior to adopting the final rule. The Commission, after consideration of the recommendation and explanation from the Speed Zone Review Panel, will make the final determination of a reasonable and safe speed for a section of interstate highway under the conditions found to exist and as indicated by the engineering report, the issues report if required, and comments received at the public hearing. The Commission will then adopt a rule establishing the interstate highway speed limit for each section(s) of interstate highway under consideration.

(i) The new speed limit becomes enforceable when signs are posted.

(3) Process for Establishing a Speed Limit for Sections of Interstate Highway One Mile or Less. The following procedures apply when the Department of Transportation proposes to designate a speed limit or extend, shorten or otherwise modify the boundaries on any section of designated speed limits for interstate highways which are currently listed in OAR 734-020-0011, not to exceed one mile:

(a) The Department will establish sections of interstate highway for investigation based on the site-specific characteristics such as crash history, physical conditions and traffic conditions. For each section of interstate highway under consideration the Department will prepare an engineering investigation report that will include all of the following:

(A) The average speed and the speed at or below which 85 percent of the vehicles sampled were traveling;

(B) The crash rate for the specific section of highway being considered;

(C) The average crash rate for similar functional classification highways (if available);

(D) Roadway geometry and physical characteristics, including number of lanes, curvature, interchange spacing, lane widths, shoulder widths, and adjacent land use;

(E) Traffic characteristics, including the interstate congestion levels, average daily volumes, and the percentage of trucks.

(b) The maximum length is one mile when establishing or modifying the boundaries of an existing speed limit on the interstate under section (3) of this rule.

(c) The Department will recommend a speed that is indicated by the engineering investigation report required by subsection (a) of this section to be reasonable and safe under the conditions found to exist for each section of interstate highway being considered to be established, extended, shortened or modified.

(d) If the speed recommended in subsection (c) of this section exceeds the maximum length described in subsection (b) of this rule, the Department will follow the applicable portions of Section (2) of this rule to amend OAR 734-020-0011.

(e) For speed limit boundary changes, if the speed recommended in subsection (c) of this section is greater or less than the existing speed limit specified in OAR 734-020-0011, the Department will prepare a draft rule specifying the changes to the boundaries and speed limits depending on the recommendation.

(A) The Speed Zone Review Panel will make a recommendation to the Commission of a reasonable and safe speed for a section of interstate highway under the conditions found to exist and as indicated by the engineering investigation report. A Panel report shall explain the basis of the recommendation.

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(B) The Commission may hold a public hearing prior to adopting the final rule. The Commission, after consideration of the recommendation and explanation from the Speed Zone Review Panel, will make the final determination of appropriate boundaries for a section of interstate highway under the conditions found to exist and as indicated by the engineering report. The Commission may then adopt an amended rule establishing a speed limit or modifying the existing interstate highway speed limit boundaries for each section(s) of interstate highway under consideration.

(f) The new speed limit becomes enforceable when signs are posted.

(4) Process for review of interstate highway speed limit:

(a) The Department will, for the first four years after the establishment of any speed limit on interstate highways under section (2), conduct an annual review of crash and fatality history. A written record of the annual review will be provided to the Governor's office and maintained by the Department.

(b) At any time that interstate highway crash trends significantly change, the Department will perform an analysis of the crash patterns on affected sections of interstate highway to determine if a review of speed limits is appropriate.

(c) The Department may review an interstate highway speed limit at any time at the discretion of the Commission or the State Traffic-Roadway Engineer.

(d) If appropriate, the Department will follow the process in section (2) or (3) as appropriate to initiate rulemaking to make changes to the interstate speed designations.

Stat. Auth.: ORS 184.616, 810.180 & 2003 OL Ch. 819
Stats. Implemented.: ORS 810.180 & 2003 OL Ch. 819
Hist.: 1 OTC 7(Temp), f. & ef. 11-15-73; 1 OTC 20, f. 1-28-74, ef. 2-11-74; 1 OTC 24(Temp), f. & ef. 3-1-74; 1 OTC 28, f. 6-5-74, ef. 6-25-74; HWY 5-1987, f. & ef. 12-8-87; HWY 3-1989, f. & cert. ef. 5-23-89; HWY 7-1990, f. & cert. ef. 4-18-90; HWY 3-1996, f. & cert. ef. 8-15-96; HWD 4-2004, f. & cert. ef. 5-6-04; HWD 3-2011, f. & cert. ef. 5-27-11; HWD 1-2014, f. & cert. ef. 2-21-14

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Department of Transportation, Transportation Safety Division Chapter 737

Rule Caption: Oregon Safe Routes to School; Definitions and Acronyms

Adm. Order No.: TSD 2-2014

Filed with Sec. of State: 2-26-2014

Certified to be Effective: 2-26-14

Notice Publication Date: 1-1-2014

Rules Amended: 737-025-0010

Subject: ORS 184.741 states that the Department of Transportation, in consultation with the Transportation Safety Committee, shall establish a safe routes to schools program to assist communities in identifying and reducing barriers and hazards to children walking or bicycling to and from school. In early program development discussions the Oregon Transportation Safety Committee requested that there be a Safe Routes Advisory Committee to assist the TSD Program Manager. The definition of Safe Routes to School Advisory Committee found in 737-025-0010(16) has been amended by removing the words "nine-member," as representation on the committee has changed.

Rules Coordinator: Lauri Kunze—(503) 986-3171

737-025-0010

Definitions and Acronyms

For the purposes of Division 25 rules, the following definitions apply:

(1) "Action Plan" means the plan developed to fulfill the requirements of ORS 195.115 and OAR 737-025-0050(3) and that meets the requirements of 737-025-0060.

(2) "Applicant" means an entity that qualifies under OAR 737-025-0030.

(3) "Application" means the form, prescribed by the Transportation Safety Division (TSD), and all supplemental attachments, exhibits or other supporting papers required by OAR 737-025-0050 when applying for a Safe Routes to School Fund grant.

(4) "Education" means public-awareness and encouragement campaigns, outreach to press and community leaders, bicycle and pedestrian safety programs and activities, traffic education, training, and the evaluation of such activities.

(5) "Endorsement" means support and approval as required in OAR 737-025-0030.

(6) "Enforcement" means law enforcement operations and equipment relating to school zones, crosswalks, speed; crossing guard activities and supplies; and evaluation of such activities.

(7) "Engineering" means planning, design, construction, and evaluation of infrastructure-related projects.

(8) "Letter of commitment" means a letter from the governing body (or bodies) or the school or school district, stating their willingness to participate in the project, as well as their endorsement of the project.

(9) "Letter of Interest" means the preliminary letter, in a format prescribed by TSD as referenced in OAR 737-025-0050.

(10) "Non-Profit" means an organization or group of organizations described in section 501(c)(3) of the Internal Revenue Code that is exempt from income tax under section 501(a) of the Internal Revenue Code; or is organized not for profit, pursuant to ORS Chapter 65, or any predecessor of ORS Chapter 65; or is otherwise organized and operated under section 501(c) of the Internal Revenue Code.

(11) "OTSC" means the Oregon Transportation Safety Committee, the Governor-appointed committee that advises ODOT as defined in ORS 802.300.

(12) "Qualifying School" means a public, private, parochial, charter or alternative educational program offering instruction at levels kindergarten through eighth grade, or any part thereof

(13) "School district" means:

(a) A school district as defined in ORS 330.003.

(b) The Oregon State School for the Blind.

(c) The Oregon State School for the Deaf.

(d) An educational program under the Youth Corrections Education Program.

(e) A public charter school as defined in ORS 338.005.

(f) An education service district.

(14) "SRTS" means Safe Routes to School.

(15) "SRTS Fund" means the Safe Routes to School Fund established under ORS 184.740.

(16) "Safe Routes to School Advisory Committee" means the volunteer advisory group that gives advice and direction to the Safe Routes to School Program.

(17) "TSD" means the Transportation Safety Division, a division of the Oregon Department of Transportation.

(18) "Traffic safety committee" means a local government advisory body charged with traffic safety. Alternately, a local non-profit, such as a coalition or neighborhood association, which specifically includes traffic safety in their charter or charge from one or more government bodies can fulfill this role in the absence of a committee.

(19) "Walking or bicycling" means use of human-powered forms of transportation, including, but not limited to, walking, or use of bicycles, bike trailers, skateboards, scooters, rollerblades, skates and wheelchairs.

Stat. Auth.: ORS 184.616, 184.619, 184.740 & 184.741

Stat. Implemented: ORS 184.741

Hist.: TSD 1-2006, f. & cert. ef. 11-15-06; TSD 2-2014, f. & cert. ef. 2-26-14

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Employment Department Chapter 471

Rule Caption: Automated Job Listings

Adm. Order No.: ED 3-2014

Filed with Sec. of State: 2-27-2014

Certified to be Effective: 2-28-14

Notice Publication Date: 2-1-2014

Rules Amended: 471-020-0010, 471-020-0035

Rules Repealed: 471-020-0010(T), 471-020-0035(T)

Subject: Update restrictions on Employment Department job listings to provide a richer job listing service to customers, while working in conjunction with partner staff and staying in compliance with all applicable state and federal regulations.

This permanent rule is effective retroactively to January 1, 2014, to ensure a smooth transition from the temporary rule that was in effect from July 2013 through December 31, 2013.

Rules Coordinator: Courtney Brooks—(503) 947-1724

471-020-0010

Definitions

As used in OAR 471-020-0010 to 471-020-0035, unless the context requires otherwise:

(1) "Accepted" means a job listing is reviewed and managed by authorized Employment Department or partner staff.

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(2) "Active Status" means a period beginning when an individual is eligible to receive and is being paid unemployment insurance benefits pursuant to OAR 471-030-0036, and ending at Saturday midnight of the third week following the week in which the most recent benefit payment was issued to the individual.

(3) "Enrollment" means entry of information provided under ORS 657.159, 657.715, 657.720 or OAR 471-020-0020 into the Business & Employment Services online job match system.

(4) "Job attached" means:

(a) An individual with a definite return-to-work date; or

(b) An individual who obtains all work assignments through a closed union hiring hall.

(5) "Matching process" means the process of comparing an individual's knowledge, skills and abilities for referral to an employer's job opening.

(6) "Qualified" means the individual's skills and experience meet or exceed the employer's job requirements.

(7) "Profiled" means the application of a ranking system, using criteria established in OAR 471-030-0034, to establish the relative likelihood of a claimant exhausting the maximum benefit amount available in a benefit year.

(8) "Reemployment Services" may include any of the services listed in ORS 657.156(1)(b) and includes subsidized employment.

(9) "Stream" means an electronic transfer or exchange of information or data.

(10) "Subsidized" means a job listing or employment that meets the requirements of ORS 411.892.

(11) "Suitable" means the factors listed in ORS 657.190 and 657.195.

Stat. Auth.: ORS 657.610

Stats. Implemented: ORS 657.156 & 657.159

Hist.: ED 1-1999(Temp), f. & cert. ef. 1-8-99 thru 7-6-99; ED 4-1999, f. 6-29-99, cert. ef. 7-4-99; ED 6-2004, f. 8-5-04 cert. ef. 8-8-04; ED 8-2005, f. 12-23-05, cert. ef. 12-25-05; ED 1-2013(Temp), f. & cert. ef. 7-16-13 thru 12-31-13; Administrative correction, 2-5-14; ED 3-2014, f. 2-27-14, cert. ef. 2-28-14

471-020-0035

Job Listings

(1) All job listings accepted by authorized Employment Department or partner staff must:

(a) Be for an identifiable current job opening, or an identifiable future job opening;

(b) Establish an employer-employee relationship;

(c) Pay at least minimum wage, unless exempted by state or federal law; and

(d) Not contain terms or conditions of employment contrary to state or federal law.

(2) The Employment Department will not list job listings replacing workers that are out of work due to a labor dispute, as defined in OAR 471-030-0097.

(3) No job listing will be accepted that charges a fee to candidates, unless:

(a) The fee is for a drug test and is charged only to individuals who have been offered work contingent on passing the drug test;

(b) The fee is for a physical examination to determine that the job offered is within the physical capabilities of the applicant and is only charged to individuals who have been offered work contingent upon passing the physical examination; or

(c) The fee is for a license, test or check (such as a background check) that is required by statute or law and is charged only to individuals who have been offered work contingent on obtaining the required license or passing the required test or check.

(4) Unless the conditions of any job listing can reasonably be shown to be a "bona fide occupational requirement" (BFOQ), as determined by the Department, all employers making use of the Employment Department's job listing system will abide by all state and federal laws relating to Equal Employment Opportunity, including prohibition against discrimination.

(5) Job listings streamed from outside sources that are not staff accepted may be immediately made available to customers. If any of these listings are found to be out of compliance with Federal and State laws and rules, the agency will take necessary action to remedy.

(6) The Employment Department shall evaluate all requests to accept job listings streamed from outside sources. If the agency finds a request to be viable, the agency shall enter in a written agreement prior to data exchange.

(7) Subsections (1), (5) and (6) of this rule shall apply retroactively, beginning January 1, 2014.

Stat. Auth.: ORS 657.610

Stats. Implemented: ORS 657.610 & 657.705 - 657.725

Hist.: ED 3-2003, f. 2-14-03, cert. ef. 2-16-03; ED 6-2003, f. 4-25-03, cert. ef. 4-27-03; ED 6-2004, f. 8-5-04 cert. ef. 8-8-04; ED 1-2013(Temp), f. & cert. ef. 7-16-13 thru 12-31-13; Administrative correction, 2-5-14; ED 3-2014, f. 2-27-14, cert. ef. 2-28-14

Employment Relations Board Chapter 115

Rule Caption: Amends Rules to Implement Adding Unrepresented Employees to Existing Bargaining Unit Without Election

Adm. Order No.: ERB 1-2014(Temp)

Filed with Sec. of State: 3-14-2014

Certified to be Effective: 3-14-14 thru 9-10-14

Notice Publication Date:

Rules Amended: 115-025-0005, 115-025-0010, 115-025-0030, 115-025-0065, 115-025-0070, 115-025-0075

Subject: These rules are enacted in response to changes made to the Public Employee Collective Bargaining Act by Oregon Laws 2013, chapter 663. These rules provide:

The requirements for filing a petition to add unrepresented public employees to an existing bargaining unit without an election.

The requirements for submitting authorization cards to add unrepresented public employees to an existing bargaining unit.

The procedures for how one or more of the unrepresented public employees to be added to an existing bargaining unit may request that an election take place, and the procedures for any such election.

The Employment Relations Board's processing of a petition to add unrepresented public employees to an existing bargaining unit without an election, including the posting of a notice of such a petition.

The procedures for any objections to a petition to add a group of unrepresented public employees to an existing bargaining unit without an election.

Rules Coordinator: April Bathurst—(503) 378-3808

115-025-0005

Petitions for Clarification of Bargaining Unit

(1) Filing Petitions for Clarification of a Bargaining Unit:

(a) Other than petitions filed under subsection (b) of this section, petitions for clarification of a bargaining unit may be filed by the recognized or certified representative or by the public employer when no question of representation exists, subject to other applicable requirements of this rule.

(b) A group of unrepresented employees may file a petition under ORS 243.682(2)(a) to include the unrepresented employees in an existing bargaining unit without an election when no question of representation exists, subject to other applicable requirements of this rule. The petition filed under this subsection may also be jointly filed with the recognized or certified representative of the existing bargaining unit.

(c) For purposes of this rule, a question of representation exists only when the employees who are the subject of such a petition are unrepresented and as a group would constitute an appropriate unit as determined by the Board. All petitions shall be filed in writing on a form approved by the Board. The petitioner shall designate one or more of the following subsections on the form to indicate the clarification issue(s) the petitioner intends to raise. After the filing of objections, if any, the Board Agent may determine the issues raised by the petition. If the Board Agent determines that the issue raised is different than that designated on the form, the Board Agent shall determine whether the petition complies with the requirements of the appropriate subsection(s).

(2) When the issue raised by the clarification petition is one of public employee status under ORS 243.650(6), (16), or (23), the petition may be filed at any time; except that where a position sought to be excluded is expressly by title included within the unit description, a petition may be filed only during the open period provided for in OAR 115-025-0015(4).

(a) The Board may order a self-determination election among the affected employees as a result of a petition filed by a labor organization under this subsection of this rule if the Board determines that an election would be appropriate to further the policy expressed in ORS 243.662; for example, where the affected employees, as a class, were excluded from voting when the bargaining unit was certified and subsequently were treated as being excluded from the unit.

(b) A petition filed by a group of unrepresented employees under ORS 243.682(2)(a) and subsection (1)(b) of this rule will be processed in accordance with subsection (7) of this rule and OAR 115-025-0065.

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(3) When the issue raised by the clarification petition is whether certain positions are or are not included in a bargaining unit under the express terms of a certification description or collective bargaining agreement, a petition may be filed at any time; except that the petitioning party shall be required to exhaust any grievance in process that may resolve the issue before such a petition shall be deemed timely by the Board.

(4) When the issue raised by the clarification petition is whether certain unrepresented positions should be added to an existing bargaining unit, the petition must be supported by a 30 percent showing of interest among the unrepresented employees sought to be added to the existing unit, unless the petition is filed pursuant to subsection (1)(b) of this rule, in which case the petition must be supported by a majority of employees as required by subsection (7)(a) of this rule. If the employees sought to be added to the unit occupy positions that existed and were filled at the time of the most recent certification or recognition agreement, the petition must be filed during the open period provided for in OAR 115-025-0015(4) and will be subject to the provisions of 115-025-0015(1) and (3). If the employees sought to be added to the unit occupy positions that were created or were filled after the most recent certification or recognition agreement, the petition may be filed at any time and will not be subject to the provisions of 115-025-0015. Except for unit clarification petitions described in subsections (1)(b) and (7) of this rule, if the Board determines that it would be appropriate to add the unrepresented positions to the existing bargaining unit, the Board shall order a self-determination election in which the unrepresented employees will vote either to be represented within the existing bargaining unit or for no representation. The election shall be conducted by a Board Agent in accordance with the provisions of 115-025-0055 and 115-025-0060, to the extent such rules are applicable to a self-determination election. If a majority of the unrepresented employees who vote cast ballots in favor of representation, the existing bargaining unit shall be clarified to include those employees.

(5) When the issue raised by the clarification petition is whether two or more bargaining units of the same employer's employees which are represented by the same labor organization should be merged, the petition must be filed during the open period provided for in OAR 115-025-0015(4), as that rule applies to the larger (or largest) of the bargaining units. A petition for clarification through merger must be supported by petitions (or cards) signed by more than 50 percent of the employees in each unit certifying that they wish their unit to be merged with the other unit. When the Board approves a clarification through merger, and the employees in the smaller unit are covered by a collective bargaining agreement, the employment conditions for the employees in the smaller unit will remain governed by their collective bargaining agreement until that agreement expires, prior to which the parties are obligated to begin negotiations for inclusion of the smaller unit employees under the larger unit agreement. The Board shall order a clarification through merger when it determines that the description of the merged unit, which must include all employees in the existing units, describes an appropriate unit.

(6) When the issue raised by the clarification petition is whether a group of employees who are represented within (as a fragment of) another bargaining unit more appropriately belongs in a unit represented by the petitioning labor organization, the petition must be supported by a petition (or cards) signed by more than 50 percent of the employees in the affected group certifying that they wish to be represented by the petitioning labor organization as part of that organization's bargaining unit. The petition must be filed during the open period provided for in OAR 115-025-0015(4), as that rule applies to the petitioning organization's bargaining unit. If the Board determines that it would be appropriate to add the positions in question to the petitioning organization's bargaining unit, the Board shall order a self-determination election in which the employees in question will vote either to be represented within the existing bargaining unit or by the petitioning organization's bargaining unit. The election shall be conducted by a Board Agent in accordance with the provisions of 115-025-0055 and 115-025-0060, to the extent such rules are applicable to a self-determination election. If a majority of the employees who vote cast ballots in favor of representation by the petitioning organization, the Board shall order the clarification.

(7) Adding Unrepresented Employees by Clarification Petition:

(a) When the issue raised by the clarification petition is whether to add a group of unrepresented employees to an existing bargaining unit under ORS 243.682(2)(a) and subsection (1)(b) of this rule, the unrepresented employees will be added to the existing unit without an election if the Board finds that a majority of employees in the group of employees seeking to be included in the existing bargaining unit have signed authorization cards designating the labor organization specified in the petition as

the exclusive representative, and no other labor organization is certified or recognized as the exclusive representative of any of the employees in the group of unrepresented employees seeking to be included in the existing bargaining unit. Authorization cards submitted under this subsection must be signed by employees within 180 days of the filing of the petition for clarification without an election.

(b) Notwithstanding subsection (a) of this section, one or more of the unrepresented employees to be included in the existing bargaining unit may file a petition with the Board requesting that an election take place, as set forth in OAR 115-025-0075. In order for the petition for election to be granted, the petition must be accompanied by a showing of interest from at least 30 percent of the unrepresented employees to be included in the existing bargaining unit.

Stat. Auth.: ORS 240, 243.766(2) & 243.766(7)

Stats. Implemented: ORS 243.682

Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 1-1982, f. & ef. 1-19-82; ERB 6-1985, f. 10-29-85, ef. 10-31-85; ERB 1-1988, f. & cert. ef. 4-25-88; ERB 1-1990, f. 7-19-90, cert. ef. 8-1-90; ERB 2-1995(Temp), f. 7-17-95, cert. ef. 8-1-95; ERB 4-1995, f. 11-30-95, cert. ef. 12-1-95; ERB 4-1998, f. & cert. ef. 1-26-98; ERB 1-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14

115-025-0010

Contents of Petitions

(1) Certification of Public Employee Representative Filed by a Labor Organization Under ORS 243.682(1). A petition for an election to certify a public employee representative shall, when filed by a labor organization, contain the following:

(a) Name, address, telephone number of the public employer and the employer representative to contact, including his/her title, if known;

(b) A description of the bargaining unit claimed to be appropriate for the purpose of exclusive representation by the petitioner. Such description shall indicate the general classifications of employees sought to be included and those sought to be excluded and the approximate number of employees in the unit claimed to be appropriate;

(c) Name, address, and telephone number of the recognized or certified exclusive representative, if any, and the date of prior certification or recognition and the expiration date of any applicable contract, if known to the petitioner;

(d) Names, addresses, and telephone numbers of any other interested labor organizations, if known to the petitioner;

(e) Any other relevant facts;

(f) Name and affiliation, if any, of the petitioner and its address and telephone number;

(g) The signature of the petitioner's representative, including his/her title and telephone number; and

(h) A petition shall be accompanied by a showing of interest of not less than 30 percent of the employees in the unit alleged to be appropriate. "Showing of interest" means the evidence of support a petitioner must show in a bargaining unit or proposed bargaining unit before its petition will be acted upon. The showing may be made by original authorization cards or petitions which must include a statement of a desire by affected employees to be represented by the petitioner for purposes of collective bargaining and which must be signed and dated by employees in the unit during the 90 days preceding the filing of the petition; by dues records or payroll deduction records showing the employees to be current members of a petitioning organization; or, by an existing or the most recently expired bargaining agreement applicable to the bargaining unit, to which the petitioning organization was a party.

(2) Certification of Public Employee Representative Filed by a Public Employer:

(a) A petition filed by a public employer shall state that a request for representation or continued representation has been made by one or more labor organizations and that the public employer has a good faith doubt concerning the majority representative of its employees;

(b) A petition shall include all of the information set forth in section (1) of this rule, except subsections (1)(f) and (h) of this rule.

(3) Decertification of Public Employee Representative Filed by an Employee or a Group of Employees. A petition for decertification of public employee representative shall contain the following:

(a) A statement that the labor organization certified by the Board or recognized by the public employer no longer represents a majority of the employees in the bargaining unit in which it is currently recognized or certified;

(b) The petition also shall contain the information set forth in section (1) of this rule; and

(c) The petition shall be accompanied by a showing of interest of not less than 30 percent of the employees in the unit in which an employee representative has been recognized or certified. The showing of interest shall

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indicate that the employees no longer desire to be represented for purposes of collective bargaining by the recognized or certified representative. (See subsection (1)(h) of this rule for definition of "showing of interest".)

(4) Clarification of Unit or Amendment of Certification Filed by the Recognized or Certified Representative or by the Public Employer. A unit clarification or amendment of certification petition filed by the recognized or certified representative of a public employer or filed by a public employer shall, in addition to the information required by section (1) of this rule, except subsections (1)(b) and (h) of this rule, further contain the following:

- (a) A description of the present bargaining unit and the date of the certification or recognition;
- (b) Proposed clarification or amendment of the unit; and
- (c) A statement by petitioner setting forth specific reasons as to why clarification or amendment is requested.

(5) Certification of Public Employee Representative Without an Election. An employee, a group of employees, or a labor organization may file a petition under ORS 243.682(2) to certify a public employee representative without a representation election. The petition shall contain the following:

- (a) The name, address, telephone number and affiliation, if any, of the labor organization for which certification is sought;
- (b) A statement that the petitioner seeks certification without an election based on the Board's card check procedures;
- (c) The name, address and telephone number of the public employer and the employer representative to contact, including his/her title, if known;
- (d) A description of the bargaining unit claimed to be appropriate for the purpose of exclusive representation by the labor organization named in the petition. The bargaining unit description shall indicate the general classifications or job titles of employees to be included and those to be excluded and the approximate number of employees in the unit claimed to be appropriate;

(e) A statement that no other labor organization is currently certified or recognized as the exclusive bargaining representative of any employee in the proposed unit;

- (f) Any other relevant facts;
- (g) The name, mailing address, telephone number and signature of the petitioner(s) or petitioner's representative; and
- (h) A petition shall be accompanied by signed authorization cards, arranged alphabetically, from a majority of the employees in the proposed unit designating the labor organization named in the petition as the exclusive bargaining representative. Authorizations which do not substantially comply with OAR 115-025-0065(2) shall not be counted.

(6) Unit Clarification Without an Election. A petition filed under ORS 243.682(2)(a) and OAR 115-025-0005(1)(b), (2), or (4) to add a group of unrepresented employees to an existing bargaining unit must be submitted on a form approved by the Board.

Stat. Auth.: ORS 243
Stats. Implemented: ORS 243.682
Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 6-1985, f. 10-29-85, ef. 10-31-85; ERB 1-2000, f. & cert. ef. 12-1-00; ERB 2-2007(Temp), f. 7-20-07, cert. ef. 7-23-07 thru 1-15-08; ERB 4-2007, f. 12-17-07, cert. ef. 1-1-08; ERB 1-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14

115-025-0030

Posting Notice of Petition

(1) Upon receipt of a petition under OAR 115-025-0010(1), (2), (3) or (4), a Board Agent will cause a notice of the petition to be posted in the work areas granting maximum access to employees in the existing or proposed unit. Copies of the notice shall be served on the public employer and any known exclusive representative. The notice shall set forth:

- (a) The name of the petitioning organization or employer.
- (b) A description of the unit involved.
- (c) A statement that parties and interested persons will have 14 days from the date of the notice to file:
 - (A) Objections to the appropriateness of the proposed unit;
 - (B) Objections to the positions to be included or excluded;
 - (C) Objections to the petitioner's designation of the issue(s) in cases filed under OAR 115-025-0005;
 - (D) Petition to intervene as provided in OAR 115-025-0035.
- (d) Interested persons may notify the Board Agent of their specific objections. Such objections must also be served on the petitioner. Upon good cause shown, the Board Agent may call an interested person as a witness.

(2) Upon receipt of a petition for certification without an election under OAR 115-025-0010(5), or a petition for unit clarification without an election under 115-025-0010(6), a Board Agent will cause a notice of the petition to be posted in the work areas granting maximum access to employees in the proposed bargaining unit. Copies of the notice shall be

served on the public employer. Copies of the notice of a petition for unit clarification without an election will also be served on the recognized or certified representative of the existing bargaining unit if that representative did not jointly file the petition with the group of unrepresented employees. The notice shall set forth:

- (a) A statement that certification or clarification without an election has been requested;
- (b) The name of the labor organization which seeks certification, or, in the case of a unit clarification petition, the name of the recognized or certified representative of the existing bargaining unit;
- (c) A description of the proposed bargaining unit, or, in the case of a unit clarification petition, a description of the existing bargaining unit and the unrepresented group of employees to be added to that existing unit;
- (d) A statement that there are 14 days from the date of the notice to file:
 - (A) Objections to the appropriateness of the unit;
 - (B) Objections that a labor organization is currently certified or recognized as the exclusive representative of one or more employees in the proposed unit, or, in the case of a unit clarification petition, that another labor organization is certified or recognized as the exclusive representative of any of the employees in the group of unrepresented employees seeking to be included in the existing bargaining unit;
 - (C) Objections to the positions to be included or excluded; or
 - (D) A request for an election pursuant to ORS 243.682(3).
- (e) Interested persons may notify the Board Agent of their specific objections. Such objections must also be served on the petitioner. Upon good cause shown, the Board Agent may call an interested person as a witness.

Stat. Auth.: ORS 183, 240 & 243
Stats. Implemented: ORS 183.410, 240.086(3), 243.766(7) & 663.320
Hist.: ERB 1-1980, f. & ef. 1-9-80; ERB 6-1985, f. 10-29-85, ef. 10-31-85; ERB 1-1988, f. & cert. ef. 4-25-88; ERB 1-1991, f. 11-21-91, cert. ef. 12-1-91; ERB 2-2007(Temp), f. 7-20-07, cert. ef. 7-23-07 thru 1-15-08; ERB 4-2007, f. 12-17-07, cert. ef. 1-1-08; ERB 1-2008, f. 3-12-08, cert. ef. 3-17-08; ERB 1-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14

115-025-0065

Certification or Unit Clarification Without Election

(1) Upon receipt of a petition under OAR 115-025-0010 (5) for certification without an election or under 115-025-0010(6) for unit clarification without an election, a Board Agent shall commence an investigation and shall cause a notice of the petition to be posted as described in 115-025-0030(2).

(2) Authorization Cards.

(a) An authorization card submitted in support of a petition for certification or unit clarification without an election must, at a minimum, contain the following:

- (A) The employee's name typed or legibly printed;
- (B) The employee's signature;
- (C) The date of the employee's signature;

(D) A statement that the employee designates the named labor organization as the employee's exclusive representative for purposes of collective bargaining with the employee's employer; and

(E) A statement that the employee understands that the employee's signature on the card may be used to obtain certification of the named labor organization as the exclusive bargaining representative without an election.

(b) An employee authorization card must be signed and dated within the 180-day period before the petition was filed.

(c) Authorization cards shall be submitted in alphabetical order.

(d) An employee authorization card that does not comply with this subsection shall be deemed invalid.

(3) Eligible Employees. For the purpose of determining the adequacy of the authorization cards, public employees who were employed on the filing date of the petition for certification or clarification without an election are included in the proposed bargaining unit and are considered eligible in the processing of the petition. The Board may also include as eligible other employees who have a reasonable expectation of continuing employment, including but not limited to seasonal employees or employees on layoff.

(4) List of Eligible Employees. Within 7 days after a public employer receives notice under OAR 115-025-0030(2) that a petition has been filed seeking a certification or clarification without an election, it will submit to the Board an alphabetical list of employees in the proposed bargaining unit, including their names, addresses and job classifications. The Board will provide a copy of the list to the labor organization named in the petition.

(5) Challenges to the List of Eligible Employees.

(a) Challenges to the inclusion of a name on or exclusion of a name from the list of eligible employees must be filed with the Board within 7

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days after the Board provides the labor organization a copy of the list under subsection (4) of this rule.

(b) The Board Agent shall determine whether a majority of employees on the list supplied by the employer has signed valid authorization cards. The Board Agent shall then determine whether there is a sufficient number of challenged names to affect the result.

(A) If the number of challenges is insufficient to potentially affect the result, then the challenges shall be dismissed.

(B) If the number of challenges is sufficient to potentially affect the result, the Board Agent shall investigate and, when appropriate, issue a notice of hearing on the challenges. The hearing will be conducted as set forth in OAR 115-025-0045. The challenging party shall bear the burden of proof.

(6) Authentication. The Board shall determine whether each otherwise valid authorization card was signed by an eligible employee;

(7) Objections. Objections to a petition for certification without an election must be filed within 14 days of the date of the notice posted pursuant to OAR 115-025-0030(2). Hearings on such objections shall be conducted under 115-025-0045.

(8) Certification. If it is determined in a petition seeking certification without an election that a majority of an appropriate unit has signed valid authorization cards designating the labor organization named in the petition as the exclusive representative, and that no other labor organization is currently certified or recognized as the exclusive representative for any employee in the proposed bargaining unit, then the Board shall certify the labor organization named in the petition as the exclusive representative without an election unless a timely petition for election is filed under OAR 115-025-0075. If it is determined in a petition for unit clarification without an election that a majority of an unrepresented group of employees has signed valid authorization cards to be included in an existing bargaining unit, that the proposed petitioned-for unit is appropriate, and that no other labor organization is certified or recognized as the exclusive representative of any of the employees in the group of unrepresented employees seeking to be included in the existing bargaining unit, the Board shall add that unrepresented group to the designated existing bargaining unit without an election, unless a timely petition for election is filed under OAR 115-025-0075.

Stat. Auth.: ORS 243.766(7)
Stats. Implemented: ORS 243.682
Hist.: ERB 2-2007(Temp), f. 7-20-07, cert. ef. 7-23-07 thru 1-15-08; ERB 4-2007, f. 12-17-07, cert. ef. 1-1-08; ERB 1-2008, f. 3-12-08, cert. ef. 3-17-08; ERB 1-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14

115-025-0070 Objections to Petition for Certification Without Election or Petition for Unit Clarification Without Election

Objections to a petition for certification or unit clarification without an election, including objections to the scope of the appropriate bargaining unit, shall be expedited and resolved under the procedures of OAR 115-025-0045. If an election is requested under 115-025-0075, the resolution may occur after the election. The Board may delay counting the ballots until all objections are resolved.

Stat. Auth.: ORS 243.766(7)
Stats. Implemented: ORS 243.682
Hist.: ERB 2-2007(Temp), f. 7-20-07, cert. ef. 7-23-07 thru 1-15-08; ERB 4-2007, f. 12-17-07, cert. ef. 1-1-08; ERB 1-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14

115-025-0075 Petition for Representation or Unit Clarification Election

(1) Petition for Election. After a petition for certification without an election has been filed under OAR 115-025-0010(5), an employee or group of employees in the proposed bargaining unit may petition the Board for a representation election. The petition for an election must be filed within 14 days from the date of the notice posted under 115-025-0030(2), and it must be accompanied by a showing of interest from at least 30 percent of the employees in the bargaining unit designated in the petition for certification without an election. After a petition for unit clarification without an election has been filed under 115-025-0010(6), one or more of the unrepresented employees may petition the Board for a unit clarification election. The petition for an election must be filed within 14 days from the notice posted under 115-025-0030(2), and it must be accompanied by a showing of interest from at least 30 percent of the unrepresented employees to be added to the existing bargaining unit.

(2) Showing of Interest. For purposes of this section, a showing of interest must contain the employee's name typed or printed legibly, the employee's signature, the date of the employee's signature, and a statement to the effect that the employee requests an election on whether the Board should certify the named labor organization as the exclusive bargaining rep-

resentative for the employees of the employer, or in the case of a unit clarification petition, that the employee requests an election on whether the group of unrepresented employees should be added to the existing bargaining unit. The showing of interest shall be submitted in alphabetical order.

(3) Notice and Election. If the Board determines that the petition for election is accompanied by a sufficient showing of interest, the Board shall conduct an election by secret ballot. The Board Agent shall require the employer to post notice of the election under OAR 115-025-0055 at least 14 days before the election. The election may be conducted on site or by mail. In an election by mail, the date of the election shall be the date on which the ballots are to be returned to the Board. Ballots must be delivered to the Board in person by the voter or by US mail. Ballots not so delivered by the date of the election shall be void. The election shall be completed within 45 days from the date of the petition requesting an election.

(4) Procedures. All employees in the bargaining unit designated in the petition for certification without an election or all employees designated to be added to the existing bargaining unit in the petition for unit clarification without an election shall be eligible to vote. The two choices on the ballot shall be no representation or the labor organization named in the petition for certification or unit clarification without an election. The election shall follow the procedures in OAR 115-025-0060(4) and (7)-(12).

Stat. Auth.: ORS 243.766(7)
Stats. Implemented: ORS 243.682
Hist.: ERB 2-2007(Temp), f. 7-20-07, cert. ef. 7-23-07 thru 1-15-08; ERB 4-2007, f. 12-17-07, cert. ef. 1-1-08; ERB 1-2014(Temp), f. & cert. ef. 3-14-14 thru 9-10-14

Higher Education Coordinating Commission Chapter 715

Rule Caption: Adopt procedural rules for rule making and contested case proceedings.

Adm. Order No.: HECC 1-2014(Temp)

Filed with Sec. of State: 2-19-2014

Certified to be Effective: 2-19-14 thru 8-18-14

Notice Publication Date:

Rules Adopted: 715-001-0020, 715-001-0025

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

Rules Coordinator: Angela Rico—(503) 378-5690

715-001-0020 Notice of Proposed Rulemaking

(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

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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) & 351.728
Stats. Implemented: ORS 183.335
Hist.: HECC 1-2014(Temp), f. & cert. ef. 2-19-14 thru 8-18-14

715-001-0025

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 Higher Education Coordinating Commission.]

Stat. Auth.: ORS 183.341 & 351.728
Stats. Implemented: ORS 183.341
Hist.: HECC 1-2014(Temp), f. & cert. ef. 2-19-14 thru 8-18-14

Land Use Board of Appeals Chapter 661

Rule Caption: Update introduction with new effective dates.

Adm. Order No.: LUBA 1-2014

Filed with Sec. of State: 2-26-2014

Certified to be Effective: 2-26-14

Notice Publication Date: 10-1-2013

Rules Amended: 661-010-0000

Subject: OAR 661-010-0000 is amended to update effective dates.

Rules Coordinator: Kelly Burgess—(503) 373-1265

661-010-0000

Introduction

Scope of Rules and Effective Date: All proceedings commenced by a notice of intent to appeal filed after January 1, 2014, shall be governed by these rules. Any proceedings commenced by a notice of intent to appeal filed on or before January 1, 2014 shall be governed by OAR 661-010-0005 through 661-010-0075 as effective June 30, 2010.

Stat. Auth.: ORS 197.820(4)
Stats. Implemented: ORS 197.805
Hist.: LUBA 1-1979(Temp), f. & ef. 11-1-79; LUBA 2-1980, f. & ef. 4-29-80; LUBA 1-1983, f. & ef. 10-3-83; LUBA 2-1983(Temp), f. & ef. 10-5-83; LUBA 1-1987, f. & ef. 12-30-87; LUBA 1-1992, f. & cert. ef. 1-21-92; LUBA 2-1992, f. & cert. ef. 3-19-92; LUBA 1-1994, f. & cert. ef. 6-22-94; LUBA 1-1998, f. 2-12-98, cert. ef. 3-1-98; LUBA 1-2001, f. 10-15-01, cert. ef. 1-1-02; LUBA 1-2010, f. 6-30-10, cert. ef. 7-1-10; LUBA 1-2014, f. & cert. ef. 2-26-14

Landscape Contractors Board Chapter 808

Rule Caption: Creates a new license for planting only

Adm. Order No.: LCB 2-2014

Filed with Sec. of State: 2-20-2014

Certified to be Effective: 3-1-14

Notice Publication Date: 5-1-2013

Rules Amended: 808-003-0035, 808-003-0040, 808-003-0045, 808-003-0060

Subject: Creates a new license for planting only.

Rules Coordinator: Kim Gladwill-Rowley—(503) 967-6291, ext. 223

808-003-0035

License Categories

(1) Licenses may be issued only for the following:

- (a) All Phase;
- (b) Planting;
- (c) Standard; or
- (d) Irrigation and Backflow Prevention.
- (e) Probationary All Phase Plus Backflow

(2) Except as set forth in section (3) of this rule, the following previously-issued limited licenses shall remain valid so long as the licensee continues to renew the license:

- (a) Irrigation;
- (b) Irrigation and Backflow Prevention;
- (c) Sod & Seed; and
- (d) Trees.

(3) The "All Phase" license shall include standard (which includes planting), irrigation, and Backflow Prevention, unless, in lieu of Backflow Prevention, the landscape construction professional has signed an agreement with the Board prior to April 30, 1996 stating that the contractor will not perform Backflow Prevention work, with the penalty for violation of the agreement being \$1,000 and suspension of the landscaping contracting business license and the landscape construction professional contractor license who is the phase basis of the landscaping contracting business.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 671.560

Hist.: LC 3, f. & ef. 2-7-77; LC 1-1981, f. & ef. 10-8-81; LC 1-1984, f. & ef. 7-17-84; LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; Renumbered from 808-010-0020; LCB 2-1990, f. 7-27-90, cert. ef. 8-1-90; LCB 2-1993, f. & cert. ef. 2-1-93; LSCB 1-1994, f. 5-26-94, cert. ef. 6-1-94; LSCB 2-1994, f. 11-8-94, cert. ef. 11-15-94; LSCB 2-1995, f. 8-8-95, cert. ef. 8-15-95; LSCB 2-1997, f. & cert. ef. 11-3-97; LCB 3-1998(Temp), f. & cert. ef. 11-16-98 thru 5-15-99; LCB 1-1999, f. & cert. ef. 2-11-99; LCB 1-2003, f. 1-31-03, cert. ef. 2-1-03; LCB 1-2004, f. 1-27-04, cert. ef. 2-1-04; LCB 6-2005, f. 12-30-05, cert. ef. 1-1-06; LCCB 3-2007, f. & cert. ef. 8-1-07; LCB 4-2007, f. 12-19-07, cert. ef. 1-1-08; LCB 9-2007, f. 12-24-07, cert. ef. 1-1-08; LCB 3-2008, f. & cert. ef. 4-11-08; LCB 2-2014, f. 2-20-14, cert. ef. 3-1-14

808-003-0040

Scope of License; Sanctions for Claims Filed against Probationary License

(1) A licensed landscape contracting business may only advertise for or perform those phases of landscaping work for which its owners or employees hold a valid landscape construction professional license.

(2) The landscaping work a licensed landscape contracting business advertises for or performs shall be limited to the following:

(a) For an all phase license holder, all areas of landscaping work, plus the installation of backflow prevention assemblies unless, in lieu of Backflow Prevention, the landscape construction professional contractor has signed an agreement with the Board prior to April 30, 1996 stating that the landscape construction professional will not perform Backflow Prevention work;

(b) For an irrigation, no backflow limited license holder, irrigation functions, including the maintenance of irrigation systems with the use of compressed air;

(c) For a sod and seed limited license holder, grass seed planting or sod laying;

(d) For a tree limited license holder, install new or transplant trees;

(e) For a planting limited license holder, install lawns, shrubs, vines, trees or nursery stock and perform grading and drainage services for the installation of nursery stock. A planting limited licensing holder cannot perform low voltage work.

(f) For a standard limited license holder, all areas of landscaping work except irrigation functions and the installation of backflow assemblies;

(g) For an irrigation plus backflow license holder, irrigation functions, including the maintenance of irrigation systems with the use of compressed air and the installation of backflow assemblies.

(h) For a probationary All Phase Plus Backflow license holder, all areas of landscaping work, provided all landscaping work on any given landscape job as defined in OAR 808-002-0495 must not exceed a total contract amount of \$15,000.

(3) A landscape contracting business may bid on a job or enter into a contract that includes the phase of landscaping work for which it is not licensed if that landscape contracting business:

(a) Upgrades the landscape contracting business license phase by employing a landscape construction professional licensed for that phase of landscaping work and notifies the board of this change in license prior to performing this landscaping work, or

(b) Subcontracts the landscaping work that is outside the phase of the license to another licensed landscape contracting business licensed for that phase of landscaping work and comply with the minimum standards for written contracts as required in OAR 808-002-0020(1)(k).

(4) If a landscape contracting business holds a probationary license and two or more claims are filed against the landscape contracting business within a 12 month period the owner or employee who holds the probationary landscape construction professional license and is providing supervision as described in ORS 671.540(1)(q) and (r) or 671.565(1)(b) may be required to take specific continuing education hours (CEH) or approved courses as required by the board that are related to the claim issues. Failure to complete the required CEH or courses within the specified time frame may result, in addition to any civil penalties, revocation, refusal to renew or suspension of the probationary license of the landscape construction professional.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 447.060 & 671.560

Hist.: LC 1-1984, f. & ef. 7-17-84; LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; Renumbered from 808-010-0021; LCB 2-1990, f. 7-27-90, cert. ef. 8-1-90; LCB 2-1992, f. 7-14-92, cert.

ADMINISTRATIVE RULES

ef. 7-15-92; LCB 2-1993, f. & cert. ef. 2-1-93; LSCB 2-1994, f. 11-8-94, cert. ef. 11-15-94; LSCB 2-1997, f. & cert. ef. 11-3-97; LCB 1-2001, f. 12-4-01, cert. ef. 1-1-02; LCB 1-2003, f. 1-31-03, cert. ef. 2-1-03; LCB 7-2003(Temp), f. 11-28-03, cert. ef. 12-1-03 thru 5-29-04; LCB 1-2004, f. 1-27-04, cert. ef. 2-1-04; LCB 6-2005, f. 12-30-05, cert. ef. 1-1-06; LCCB 3-2007, f. & cert. ef. 8-1-07; LCB 4-2007, f. 12-19-07, cert. ef. 1-1-08; LCB 9-2007, f. 12-24-07, cert. ef. 1-1-08; LCB 3-2008, f. & cert. ef. 4-11-08; LCB 10-2008, f. & cert. ef. 11-6-08; LCB 13-2009, f. 12-23-09, cert. ef. 1-1-10; LCB 7-2010, f. & cert. ef. 10-25-10; LCB 12-2011, f. 12-29-11, cert. ef. 1-1-12; LCB 2-2014, f. 2-20-14, cert. ef. 3-1-14

808-003-0045

Change to Limited Licenses; Removal from Probationary Status

(1) Landscape construction professionals holding limited licenses may upgrade that phase of license by passing additional sections of the exam. Licensees shall submit the required fees and a written request to take the additional sections of the exam.

(2) The following sections must be passed to upgrade to a standard landscape license:

(a) Sod & Seed license holders must pass Plants and Turf, Design, Grading and Drainage, and Hardscaping.

(b) Tree license holders must pass Plants and Turf, Design, Grading and Drainage, and Hardscaping.

(c) Planting license holders must pass Hardscaping.

(3) Holders of a Standard license, Sod & Seed license, Planting license or a Tree license must pass the irrigation and Backflow Prevention sections of the landscape examination to upgrade that phase of license to include irrigation plus backflow

(4) If the phase of license for a landscape contracting business license changes, the landscape contracting business must immediately stop advertising for or performing those phases of landscaping work for which the business no longer holds a license.

(5) Probationary license holders may obtain removal from probationary status by:

(a) Demonstrating one or more of the following after the date of obtaining the probationary license:

(A) Completion of 24 months or more of employment with an actively licensed landscape contracting business under the direct supervision of a non-probationary licensed landscape construction professional,

(B) Completion of 24 months or more as an owner or employee of an actively licensed landscape contracting business providing supervision as described in ORS 671.540(1)(q) or 671.565(1)(b) for a period of 24 months where the landscaping work performed on any landscape job by the landscape contracting business did not exceed \$15,000 and where the landscape contracting business filed and maintained with the board a bond, letter of credit or deposit in the amount of \$15,000, or

(C) Completion of 24 months or more as an actively licensed construction contractor under ORS Chapter 701.

(b) Submitting a written request to the board for removal of the probationary status.

Stat. Auth.: ORS 183 & 671

Stats. Implemented: ORS 671.560

Hist.: LC 1-1984, f. & ef. 7-17-84; LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; Renumbered from 808-010-0022; LCB 1-2003, f. 1-31-03, cert. ef. 2-1-03; LCB 4-2003, f. 5-27-03, cert. ef. 6-1-03; LCB 1-2004, f. 1-27-04, cert. ef. 2-1-04; LCB 6-2005, f. 12-30-05, cert. ef. 1-1-06; LCB 4-2007, f. 12-19-07, cert. ef. 1-1-08; LCB 9-2007, f. 12-24-07, cert. ef. 1-1-08; LCB 8-2008, f. & cert. ef. 9-5-08; LCB 9-2008, f. 9-29-08, cert. ef. 10-1-08; LCB 10-2008, f. & cert. ef. 11-6-08; LCB 4-2009, f. 6-1-09 cert. ef. 7-1-09; LCB 7-2010, f. & cert. ef. 10-25-10; LCB 2-2013, f. 5-31-13, cert. ef. 6-1-13; LCB 2-2014, f. 2-20-14, cert. ef. 3-1-14

808-003-0060

Examinations

(1) The exam will consist of the following sections:

(a) Laws, Rules and Business Practice which includes Contract Law, General Business, and Agency Involvement;

(b) Plants and Turf;

(c) Design, Grading and Drainage;

(d) Hardscaping;

(e) Irrigation Systems, which includes, but is not limited to pipes and fittings, electrical, head and nozzles, Hydraulics, installation/practical application, plan questions, winterizing, repair/troubleshooting, valves, plant culture, drip irrigation, design, and pumps; and

(f) Backflow, which includes, but is not limited to the installation of irrigation and ornamental water feature backflow assemblies, cross connections, piping, valves, and related plumbing code provisions.

(2) All applicants must successfully pass the Laws, Rules and Business Practice section.

(3) To obtain an All Phase plus Backflow License, the applicant must successfully pass the Laws, Rules and Business Practice, Plants and Turf, Design, Grading and Drainage, Hardscaping, Low Voltage; Design; & Personal Safety, Irrigation and Backflow Prevention sections.

(4) To obtain a Standard license, the applicant must successfully pass the Laws, Rules and Business Practice, Plants and Turf, Design, Grading and Drainage, and Hardscaping sections.

(5) To obtain an Irrigation license, the applicant must successfully pass the Laws, Rules and Business Practice, Irrigation and Backflow Prevention sections.

(6) To obtain a Planting license the applicant must successfully pass the Laws, Rules and Business Practice, Plants and Turf, and Design, Grading and Drainage sections.

(7) To obtain a Probationary All Phase plus Backflow License, the applicant must successfully pass the Laws, Rules and Business Practice, Plants and Turf, Design, Grading and Drainage, Hardscaping, Irrigation and Backflow Prevention sections within 12 months after the first sitting of any section of the examination.

Stat. Auth.: ORS 183.325 - 183.500, 670.310 & 671.670

Stats. Implemented: ORS 671.570

Hist.: LC 3, f. & ef. 2-7-77; LC 1-1981, f. & ef. 10-8-81; LC 1-1984, f. & ef. 7-17-84; LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; Renumbered from 808-010-0025; LCB 4-1993, f. & cert. ef. 11-1-93; LSCB 2-1994, f. 11-8-94, cert. ef. 11-15-94; LCB 1-1998, f. & cert. ef. 2-6-98; LCB 3-1998(Temp), f. & cert. ef. 11-16-98 thru 5-15-99; LCB 1-1999, f. & cert. ef. 2-11-99; LCB 1-2001, f. 12-4-01, cert. ef. 1-1-02; LCB 1-2003, f. 1-31-03, cert. ef. 2-1-03; LCB 1-2004, f. 1-27-04, cert. ef. 2-1-04; LCB 6-2005, f. 12-30-05, cert. ef. 1-1-06; LCB 9-2007, f. 12-24-07, cert. ef. 1-1-08; LCB 12-2009, f. 12-23-09, cert. ef. 1-1-10; LCB 2-2013, f. 5-31-13, cert. ef. 6-1-13; LCB 2-2014, f. 2-20-14, cert. ef. 3-1-14

Rule Caption: Clarifies scope of work, exam sections to pass to upgrade, and exam score transfer.

Adm. Order No.: LCB 3-2014(Temp)

Filed with Sec. of State: 2-21-2014

Certified to be Effective: 3-1-14 thru 8-28-14

Notice Publication Date:

Rules Amended: 808-003-0040, 808-003-0045, 808-003-0065

Subject: Clarifies scope of work, exam sections to pass to upgrade, and exam score transfer.

Rules Coordinator: Kim Gladwill-Rowley—(503) 967-6291, ext. 223

808-003-0040

Scope of License; Sanctions for Claims Filed against Probationary License

(1) A licensed landscape contracting business may only advertise for or perform those phases of landscaping work for which its owners or employees hold a valid landscape construction professional license.

(2) The landscaping work a licensed landscape contracting business advertises for or performs shall be limited to the following:

(a) For an all phase license holder, all areas of landscaping work, plus the installation of backflow prevention assemblies unless, in lieu of Backflow Prevention, the landscape construction professional contractor has signed an agreement with the Board prior to April 30, 1996 stating that the landscape construction professional will not perform Backflow Prevention work;

(b) For an irrigation, no backflow limited license holder, irrigation functions, including the maintenance of irrigation systems with the use of compressed air;

(c) For a sod and seed limited license holder, grass seed planting or sod laying;

(d) For a tree limited license holder, install new or transplant trees;

(e) For a planting limited license holder, plan or install lawns, shrubs, vines, trees or nursery stock and perform grading and drainage services for the installation of lawns, shrubs, vines, trees or nursery stock. This also includes the preparation of the property on which the vegetation is to be installed as defined in OAR 808-002-0500. A planting limited licensing holder cannot perform low voltage work.

(f) For a standard limited license holder, all areas of landscaping work except irrigation functions and the installation of backflow assemblies;

(g) For an irrigation plus backflow license holder, irrigation functions, including the maintenance of irrigation systems with the use of compressed air and the installation of backflow assemblies.

(h) For a probationary All Phase Plus Backflow license holder, all areas of landscaping work, provided all landscaping work on any given landscape job as defined in OAR 808-002-0495 must not exceed a total contract amount of \$15,000,

(3) A landscape contracting business may bid on a job or enter into a contract that includes the phase of landscaping work for which it is not licensed if that landscape contracting business:

ADMINISTRATIVE RULES

(a) Upgrades the landscape contracting business license phase by employing a landscape construction professional licensed for that phase of landscaping work and notifies the board of this change in license prior to performing this landscaping work, or

(b) Subcontracts the landscaping work that is outside the phase of the license to another licensed landscape contracting business licensed for that phase of landscaping work and comply with the minimum standards for written contracts as required in OAR 808-002-0020(1)(k).

(4) If a landscape contracting business holds a probationary license and two or more claims are filed against the landscape contracting business within a 12 month period the owner or employee who holds the probationary landscape construction professional license and is providing supervision as described in ORS 671.540(1)(q) and (r) or 671.565(1)(b) may be required to take specific continuing education hours (CEH) or approved courses as required by the board that are related to the claim issues. Failure to complete the required CEH or courses within the specified time frame may result, in addition to any civil penalties, revocation, refusal to renew or suspension of the probationary license of the landscape construction professional.

Stat. Auth.: ORS 670.310 & 671.670
Stats. Implemented: ORS 447.060 & 671.560
Hist.: LC 1-1984, f. & ef. 7-17-84; LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; Renumbered from 808-010-0021; LCB 2-1990, f. 7-27-90, cert. ef. 8-1-90; LCB 2-1992, f. 7-14-92, cert. ef. 7-15-92; LCB 2-1993, f. & cert. ef. 2-1-93; LSCB 2-1994, f. 11-8-94, cert. ef. 11-15-94; LSCB 2-1997, f. & cert. ef. 11-3-97; LCB 1-2001, f. 12-4-01, cert. ef. 1-1-02; LCB 1-2003, f. 1-31-03, cert. ef. 2-1-03; LCB 7-2003(Temp), f. 11-28-03, cert. ef. 12-1-03 thru 5-29-04; LCB 1-2004, f. 1-27-04, cert. ef. 2-1-04; LCB 6-2005, f. 12-30-05, cert. ef. 1-1-06; LCCB 3-2007, f. & cert. ef. 8-1-07; LCB 4-2007, f. 12-19-07, cert. ef. 1-1-08; LCB 9-2007, f. 12-24-07, cert. ef. 1-1-08; LCB 3-2008, f. & cert. ef. 4-11-08; LCB 10-2008, f. & cert. ef. 11-6-08; LCB 13-2009, f. 12-23-09, cert. ef. 1-1-10; LCB 7-2010, f. & cert. ef. 10-25-10; LCB 12-2011, f. 12-29-11, cert. ef. 1-1-12; LCB 2-2014, f. 2-20-14, cert. ef. 3-1-14; LCB 3-2014(Temp), f. 2-21-14, cert. ef. 3-1-14 thru 8-28-14

808-003-0045

Change to Limited Licenses; Removal from Probationary Status

(1) Landscape construction professionals holding limited licenses may upgrade that phase of license by passing additional sections of the exam. Licensees shall submit the required fees and a written request to take the additional sections of the exam.

(2) The following sections must be passed to upgrade to a standard landscape license:

(a) Sod & Seed license holders must pass

(A) Plants and Turf,

(B) Design, Grading and Drainage, and

(C) Hardscaping.

(b) Tree license holders must pass

(A) Plants and Turf,

(B) Design, Grading and Drainage, and

(C) Hardscaping.

(c) Irrigation license holders must pass

(A) Plants and Turf,

(B) Design, Grading and Drainage, and

(C) Hardscaping.

(d) Planting license holders must pass Hardscaping.

(3) Holders of a Sod & Seed license or a Tree license must pass the Plants and Turf and Design, Grading and Drainage sections of the landscape examination to upgrade to a Planting license.

(4) Holders of a Standard license, Sod & Seed license, Planting license or a Tree license must pass the irrigation and Backflow Prevention sections of the landscape examination to upgrade that phase of license to include irrigation plus backflow

(5) If the phase of license for a landscape contracting business license changes, the landscape contracting business must immediately stop advertising for or performing those phases of landscaping work for which the business no longer holds a license.

(6) Probationary license holders may obtain removal from probationary status by:

(a) Demonstrating one or more of the following after the date of obtaining the probationary license:

(A) Completion of 24 months or more of employment with an actively licensed landscape contracting business under the direct supervision of a non-probationary licensed landscape construction professional,

(B) Completion of 24 months or more as an owner or employee of an actively licensed landscape contracting business providing supervision as described in ORS 671.540(1)(q) or 671.565(1)(b) for a period of 24 months where the landscaping work performed on any landscape job by the landscape contracting business did not exceed \$15,000 and where the landscape

contracting business filed and maintained with the board a bond, letter of credit or deposit in the amount of \$15,000, or

(C) Completion of 24 months or more as an actively licensed construction contractor under ORS Chapter 701.

(b) Submitting a written request to the board for removal of the probationary status.

Stat. Auth.: ORS 183 & 671

Stats. Implemented: ORS 671.560

Hist.: LC 1-1984, f. & ef. 7-17-84; LCB 1-1988, f. 1-26-88, cert. & ef. 2-1-88; Renumbered from 808-010-0022; LCB 1-2003, f. 1-31-03, cert. ef. 2-1-03; LCB 4-2003, f. 5-27-03, cert. ef. 6-1-03; LCB 1-2004, f. 1-27-04, cert. ef. 2-1-04; LCB 6-2005, f. 12-30-05, cert. ef. 1-1-06; LCB 4-2007, f. 12-19-07, cert. ef. 1-1-08; LCB 9-2007, f. 12-24-07, cert. ef. 1-1-08; LCB 8-2008, f. & cert. ef. 9-5-08; LCB 9-2008, f. 9-29-08, cert. ef. 10-1-08; LCB 10-2008, f. & cert. ef. 11-6-08; LCB 4-2009, f. 6-1-09 cert. ef. 7-1-09; LCB 7-2010, f. & cert. ef. 10-25-10; LCB 2-2013, f. 5-31-13, cert. ef. 6-1-13; LCB 2-2014, f. 2-20-14, cert. ef. 3-1-14; LCB 3-2014(Temp), f. 2-21-14, cert. ef. 3-1-14 thru 8-28-14

808-003-0065

Scoring; Exam Section Transfer March 1, 2014

(1) Each exam section shall be scored separately.

(2) Based on 100 percent, the passing score shall be 75 percent or higher for each section.

(3) Except as provided in subsection (4), a passing score shall be valid for one year from the date the exam section was taken. An applicant who fails to pass all the sections required for a particular license within one year of passing a section shall retake that section.

(4) A passing score for an applicant for a Probationary All Phase Plus Backflow license will expire upon expiration of the application as stated in OAR 808-003-0030(3).

(5) Effective March 1, 2014 the following sections will transfer to the new exam sections as follows:

(a) Laws, Rules and Business Practice transfers into Laws, Rules and Business Practice;

(b) Plants and Turf transfers into the Plants and Turf Section;

(c) Grading and Drainage transfer into the Design, Grading and Drainage section;

(d) General Safety, estimating, soil science, chemicals and landscape design does not transfer into another exam section;

(e) Irrigation transfers into the Irrigation section; and

(f) Backflow Prevention transfers into Backflow Prevention.

Stat. Auth.: ORS 183.325 - 183.500, 670.310 & 671.670

Stats. Implemented: ORS 671.570

Hist.: LC 1-1984, f. & ef. 7-17-84; LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; Renumbered from 808-010-0026; LSCB 2-1994, f. 11-8-94, cert. ef. 11-15-94; LCB 3-1998(Temp), f. & cert. ef. 11-16-98 thru 5-15-99; LCB 1-1999, f. & cert. ef. 2-11-99; LCB 1-2003, f. 1-31-03, cert. ef. 2-1-03; LCB 1-2004, f. 1-27-04, cert. ef. 2-1-04; LCB 15-2011, f. 12-29-11, cert. ef. 1-1-12; LCB 3-2014(Temp), f. 2-21-14, cert. ef. 3-1-14 thru 8-28-14

Oregon Business Development Department Chapter 123

Rule Caption: The rule amendment relates to the procedures for contracts entered into with the department.

Adm. Order No.: OBDD 1-2014

Filed with Sec. of State: 2-28-2014

Certified to be Effective: 3-3-14

Notice Publication Date: 2-1-2014

Rules Amended: 123-006-0035

Subject: The 2013 Legislature passed HB 2212 which amended the small procurement threshold to \$10,000 and permitting amendments to \$12,500. The amendment to 123-006-0035 reflects these changes.

Rules Coordinator: Mindee Sublette—(503) 986-0036

123-006-0035

Contract Amendments

(1) General Rule. The Department may amend any contract without additional competition, including reinstatements and cost overruns, but only when the Department has determined:

(a) The amended Contract is within the Scope of the Solicitation Document, or if no Solicitation Document, the Contract; or in the instance of a Special Procurement, the approval of Special Procurement;

(b) The amended Contract does not adversely affect the competitive conditions for the original contract; and

(c) If the Contract was selected according to the Small Procurement method, the total compensation does not exceed \$10,000, or, if selected according to the Intermediate Procurement method, the total compensation does not exceed \$150,000.

(2) Anticipated Amendments.

ADMINISTRATIVE RULES

(a) "Anticipated Amendment" means the Department has text in any Solicitation Document and the Contract that explains:

(A) The possibility of one or more Amendments;

(B) A general description of circumstances that might require an Amendment to be issued under the Contract and any changes to the requirements of the Contract that may be anticipated or even planned for, but not necessarily quantified at the time of Contract execution. These changes may be described in any Solicitation and Contract as, for example: Extra Work or Goods; Additional Work; Work to be done if certain situations are encountered; or Changes in terms, conditions, price, or type of Work; etc.; and

(C) The provisions of the Contract that are subject to negotiation in order to finalize the details and costs of such an Amendment.

(b) Anticipated Amendments do not include cost overruns or reinstatements.

(c) The Department may make one or more Anticipated Amendments to a Contract without any additional competitive process and for an unlimited amount, subject to section (1) of this rule.

(3) Unanticipated Amendments.

(a) Unanticipated Amendment" means any Amendment that does not meet the requirements of an Anticipated Amendment. Unanticipated Amendments do not include cost overruns or reinstatements.

(b) Limited Amount. The Department may make one or more Unanticipated Amendments to a Contract without any additional competitive process, provided the cumulative amounts of all Unanticipated Amendments do not exceed \$12,500 for a Contract award as a small procurement under 137-047-0265 or 25% of the Original Contract amount of a Contract awarded as an intermediate procurement under 137-047-0270 and subject to section (1) of this rule.

(c) Unlimited Amount. The Department may make one or more Unanticipated Amendments to a Contract without any additional competitive process and for an unlimited amount, subject to section (1) of this rule, and provided the Department's Designated Procurement Officer gives written approval of the Unanticipated Amendment as meeting the following requirements:

(A) The Unanticipated Amendment is due to circumstances that were unforeseen at the time the original Contract was established;

(B) The Unanticipated Amendment does not represent any important general change that alters the essential identity or main purpose of the original Contract, nor is of such importance that it should be a new undertaking; and

(C) The Unanticipated Amendment serves the public interest, including specific reasoning to support that conclusion. Reasons may include, but are not limited to: To address emergencies arising in the course of the Contract that require prompt action to protect the Work already completed or Goods delivered; to comply with official or judicial commands or directives issued during contract performance; or to ensure that the purpose of the Contract will be realized.

(4) Cost Overruns.

(a) Unless the Contract provides that the maximum total compensation is based on an estimate and is subject to amendment, if Contractor expends all authorized compensation but the required Goods, Work or Services are not complete or are not satisfactory, Contractor is responsible to complete the Goods, Work or Services to Department's satisfaction without further compensation.

(b) Notwithstanding the general rule in subsection (4)(a) above, Department may, by Amendment to the Contract, agree to increases in the maximum total compensation, subject to section (1) of this rule, and provided the Department's Designated Procurement Officer gives written approval of the Cost Overrun Amendment as meeting the following requirements:

(A) The cost overrun arose out of circumstances or conditions encountered in the course of contract performance that were unavoidable and not reasonably anticipated at the time of the original Contract, or the most recent Amendment, if any;

(B) The cost overrun was incurred in good faith, results from the good faith performance by the Contractor, and is no greater than the prescribed hourly rate or the reasonable value of the additional Goods, Work or Services rendered; and

(C) The Cost Overrun Amendment serves the public interest, including specific reasoning to support that conclusion. Reasons may include, but are not limited to: To address emergencies arising in the course of the Contract that require prompt action to protect the Work already completed; to comply with official or judicial commands or directives issued during

contract performance; or to ensure that the purpose of the Contract will be realized.

(5) Reinstatements.

(a) "Reinstatement" of an expired Contract means an amendment to restore the full action of the Contract as though the expiration had not occurred, and extend the Contract to a new expiration. A reinstatement may be combined with any other amendment allowed by this rule.

(b) The Department's Designated Procurement Officer may give written approval to reinstate an expired Contract if the following requirements are met:

(A) The failure to extend or renew the Contract in a timely manner was due to unforeseen or unavoidable conditions, or if due to administrative mistake, the reason for the mistake and the steps taken to prevent similar mistakes;

(B) The expiration occurred in good faith on the part of both the Department and the Contractor;

(C) The reinstatement furthers the public interest, compared to a separate procurement process, including specific reasoning to support that conclusion; and

(c) When a Contract is reinstated pursuant to this section, the Department may compensate the Contractor only at the rate or terms of compensation established in the original Contract, for Goods, Work or Services performed in the interim between the expiration of the original Contract and the execution of the Reinstatement Amendment.

(6) Amendments of Contracts for Architectural, Engineering and Land Surveying Services. This rule does not apply to amendments of Contracts for Architectural, Engineering and Land Surveying Services. The Department will comply with the Oregon Department of Justice Model Public Contract Rules, OAR chapter 137, division 048 for amendments to such contracts.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.075 & 279.070

Hist.: EDD 11-2005, f. 11-30-05, cert. ef. 12-1-05; EDD 26-2008, f. 8-28-08, cert. ef. 9-1-08; OBDD 37-2010, f. 10-29-10, cert. ef. 11-1-10; OBDD 2-2012, f. 3-30-12, cert. ef. 4-2-12; OBDD 14-2013(Temp), f. & cert. ef. 12-30-13 thru 6-27-14; OBDD 1-2014, f. 2-28-14, cert. ef. 3-3-14

Rule Caption: The rule amendments relate to the Port Planning and Marketing Fund.

Adm. Order No.: OBDD 2-2014

Filed with Sec. of State: 2-28-2014

Certified to be Effective: 3-3-14

Notice Publication Date: 2-1-2014

Rules Amended: 123-025-0025

Subject: Before a final payment can be disbursed for a grant award from the Port Planning and Marketing Fund, the Peer Review Committee must review the project deliverables. Currently, ten percent of the grant award is withheld until the committee makes their final recommendations. This rule amendment changes the language from ten percent withheld to the final disbursement withheld.

Rules Coordinator: Mindee Sublette—(503) 986-0036

123-025-0025

Project Administration

(1) The authority and the port must execute a grant contract prior to disbursement of grant funds.

(2) Documentation of project costs incurred by a port must be submitted to the authority prior to disbursement of funds.

(3) Disbursement of grant funds to a port will not exceed one disbursement per month. The final disbursement request will be withheld until the Peer Review Committee reviews and recommends approval of the appropriate grant contract deliverables of the project.

(4) Upon request the port must provide the authority with a copy of documents, studies, reports, and materials developed during the project, including written report on activities or results of the project, or any other information that may reasonably be requested by the authority.

(5) Prior to final disbursement, the Peer Review Committee will review all documents produced as a result of the project. The committee will evaluate and make recommendations to the authority on value of resulting document(s) and how closely the project delivered the outcome anticipated in the application.

(6) Any monies disbursed but not used for an approved project, must be returned to the authority.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.654 - 285A.660

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Hist.: EDD 8-1985(Temp), f. 10-22-85, ef. 11-1-85; EDD 5-1987, f. & ef. 10-9-87; EDD 5-2001(Temp), f. & cert. ef. 7-13-01 thru 1-9-02; EDD 1-2002, f. & cert. ef. 1-30-02; EDD 4-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 15-2004, f. & cert. ef. 8-2-04; EDD 5-2006, f. 10-30-06, cert. ef. 10-31-06; EDD 13-2007(Temp), f. & cert. ef. 12-7-07 thru 6-1-08; EDD 17-2008, f. & cert. ef. 6-4-08; EDD 18-2009, f. 10-30-09, cert. ef. 11-1-09; OBDD 5-2011, f. 10-31-11, cert. ef. 11-1-11; OBDD 2-2014, f. 2-28-14, cert. ef. 3-3-14

Rule Caption: These rule amendments relate to the methodology used to determine distressed areas.

Adm. Order No.: OBDD 3-2014

Filed with Sec. of State: 2-28-2014

Certified to be Effective: 3-3-14

Notice Publication Date: 2-1-2014

Rules Amended: 123-024-0011, 123-024-0031

Subject: Amendments have been made to the Distressed Areas methodology as it pertains to determining whether or not a city in a non-distressed county ought to be considered distressed. The four variables in 123-024-0031(2) remain unchanged, but the way that thresholds for all four variables are calculated will change from a method based on quartiles to a simpler method based on statewide averages. This change is being done because the existing methodology based on quartiles was resulting in thresholds that were too low to be considered distressed. The changes also make the methodology more simple and easy to understand.

123-024-0031(1)(a) is being amended to fix a mistake in the wording of Distressed Areas methodology as it pertains to determining whether or not a county out to be considered distressed. This will have no effect on how counties are determined to be distressed.

Rules Coordinator: Mindee Sublette—(503) 986-0036

123-024-0001

Scope and Purpose

For the purposes of these rules additional definitions may be found in Procedural Rules, OAR 123-001 The following terms shall have the following definitions, unless the context clearly indicates otherwise: "City" means the area within the corporate limits of any incorporated city in Oregon.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.020, 285A.075, 285B.062 & 285B.065

Hist.: EDD 12-1998, f. & cert. ef. 8-14-98; EDD 12-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08; EDD 10-2008(Temp), f. & cert. ef. 3-20-08 thru 9-15-08; EDD 27-2008, f. 8-28-08, cert. ef. 9-1-08; OBDD 2-2013, f. 3-29-13, cert. ef. 4-1-13; OBDD 3-2014, f. 2-28-14, cert. ef. 3-3-14

123-024-0031

Methodology for Determining Distressed Areas

The department will consider a county, City, or other geographic area to be a distressed area under one of the following methods:

(1) Using the most recent data available on the date of calculation, a county is considered distressed when, an index is calculated as the product of the values calculated using four composite factors. It is distressed if its index is less than 1.0. If the index is more than 1.0 the county is considered non-distressed. The following are the four factors used to determine a distressed county:

(a) The state's unemployment rate divided by the county's unemployment rate;

(b) The county's per capita personal income divided by the state's per capita personal income;

(c) The change in the county's average covered payroll per worker over a two year period;

(d) The sum of the change in the county's employment over a two year period; or

(2) A city outside of a county identified as a distressed area under subsection (1) of this section may be designated as distressed when its variable values are below the designated threshold value as determined by at least three of the four indicators listed below. The threshold values for each of the four indicators shall be determined by using reliable data from each of the distressed counties based on a demonstrated methodology, as approved by the director of the department. Threshold values are calculated using the most recent 5 year American Community Survey data from the U.S. Census Bureau.

(a) Percent of city population 25 years old and over with a bachelor's degree or higher. The threshold value for variable A is the percent of Oregon population 25 years old and over with a bachelor's degree or higher. If the percent of city population 25 years old and over with a bachelor's degree or higher is higher than the percent of Oregon population 25 years

old and over with a bachelor's degree or higher, this value is above the threshold and not distressed.

(b) The city's unemployment rate. The threshold value for variable B is Oregon's unemployment rate. If the city's unemployment rate is lower than Oregon's unemployment rate, this value is below the threshold and not distressed.

(c) Percent of the city population below the poverty level. The threshold value for variable C is the percent of Oregon population below the poverty level. If the percent of the city's population below the poverty level is lower than the percent of Oregon population below the poverty level, this value is below the threshold and not distressed.

(d) The city's per capita personal income. The threshold value for variable D is Oregon's per capita personal income. If the city's per capita personal income is higher than Oregon per capita personal income, this value is higher than the threshold and not distressed.

(3) A county, City, or other geographic area that has demonstrated in writing, through a Temporary Distressed Petition, to the satisfaction of the director of the department, that it is suffering or is likely to suffer economic distress equal to or greater than those counties and cities qualifying as distressed areas under subsections (1) and (2) of this section. The director shall have the authority to declare counties, cities, and other geographic areas distressed as allowed under the Temporary Methodology for Determining Distressed Areas, OAR 123-024-0046.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.020, 285A.075, 285B.062 & 285B.065

Hist.: EDD 12-1998, f. & cert. ef. 8-14-98; EDD 3-2005(Temp), f. & cert. ef. 4-21-05 thru 10-15-05; Administrative correction 10-19-05; EDD 7-2005(Temp), f. & cert. ef. 10-24-05 thru 12-21-05; EDD 10-2005(Temp), f. & cert. ef. 11-4-05 thru 12-21-05; Administrative correction 1-19-06; EDD 12-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08; EDD 10-2008(Temp), f. & cert. ef. 3-20-08 thru 9-15-08; EDD 27-2008, f. 8-28-08, cert. ef. 9-1-08; EDD 4-2009(Temp), f. & cert. ef. 5-7-09 thru 11-2-09; Administrative correction 11-19-09; EDD 24-2009, f. 11-30-09, cert. ef. 12-1-09; OBDD 2-2013, f. 3-29-13, cert. ef. 4-1-13; OBDD 3-2014, f. 2-28-14, cert. ef. 3-3-14

Oregon Department of Education Chapter 581

Rule Caption: Mentoring, Monitoring, Acceleration Grant - Guidance and Support for Post-Secondary Aspirations Strategic Investment

Adm. Order No.: ODE 1-2014

Filed with Sec. of State: 2-19-2014

Certified to be Effective: 2-19-14

Notice Publication Date: 12-1-2013

Rules Adopted: 581-017-0200, 581-017-0205, 581-017-0210, 581-017-0215, 581-017-0220

Subject: Establishes a Mentoring, Monitoring, Acceleration Grant program designed to re-enroll, return, or maintain 8th and 9th grade student progress toward graduation.

Rules Coordinator: Cindy Hunt—(503) 947-5651

581-017-0200

Definitions

The following definitions apply to OAR 581-017-0200 to 581-017-0220:

(1) "Accelerated" means an underserved student who has achieved a "C" or higher will gain access to IB, AP or college credit courses. This can include but is not limited to transportation, consortium creation and teacher training.

(2) "At-risk" means a student who is less likely to succeed academically or more likely to drop out of school due to circumstances beyond their control.

(3) "Cultural Competence" means an individual or organization has proven their ability to understand the emotional, mental and physical challenges of non-majority individuals in a way that promotes a self-awareness and confidence that is reflected in the students' academic achievement.

(4) "Non-profit organization" means:

(a) An organization established as a nonprofit organization under the laws of Oregon; and

(b) Qualifies as an exempt organization under section 501(c)(3) of the Internal Revenue Code as defined in ORS 314.011.

(5) "Wraparound" intervention strategy means an organization can demonstrate the ability to execute a highly structured and integrated effort to meet student needs in their home, school and community that is reflected in the students' academic achievement.

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(6) "Underserved" means a student who is not making satisfactory progress toward a high school diploma, modified diploma or an extended diploma and has not considered enrolling in post-secondary education.

Stat. Auth.: ORS 327.800
Stat. Implemented: ORS 327.815
Hist.: ODE 23-2013(Temp), f. & cert. ef. 10-18-13 thru 4-16-14; ODE 1-2014, f. & cert. ef. 2-19-14

581-017-0205

Establishment

(1) The Mentoring, Monitoring, Acceleration Grant is established as part of the Guidance and Support for Post-Secondary Aspirations Strategic Investment.

(2) The purposes of the grant is to:

(a) Extend or expand a students' ability to achieve a "C" or higher within the current academic year in all core subjects;

(b) Increase the academic achievement for underserved and at-risk students in addition to the cultural competence within academic communities; and

(c) Create, expand or replicate programs that achieve the purposes of the grant.

Stat. Auth.: ORS 327.800
Stat. Implemented: ORS 327.815
Hist.: ODE 23-2013(Temp), f. & cert. ef. 10-18-13 thru 4-16-14; ODE 1-2014, f. & cert. ef. 2-19-14

581-017-0210

Eligibility

The Department of Education shall allocate funds for the Mentoring, Monitoring, Accelerated grant program based on the following eligibility criteria:

(1) The following entities shall be eligible to receive the Mentoring, Monitoring, Accelerated program award:

(a) Non-profit organizations;

(b) School districts; and

(c) Consortiums of non-profits or school districts and other entities.

Each eligible consortium must have at least one non-profit organization or school district to be eligible for the grant which will serve as the fiscal agent.

(2) Eligible non-profit organizations and school districts must have a comprehensive system for monitoring progress and providing individualized planning, mentoring, tutoring or other support services to students or must have as part their proposal a plan to have a comprehensive system.

(3) Eligible non-profit organizations and school districts must provide data documenting and must ensure that the resources received will be used for underserved, at-risk or accelerating students in eighth or ninth grade.

Stat. Auth.: ORS 327.800
Stat. Implemented: ORS 327.815
Hist.: ODE 23-2013(Temp), f. & cert. ef. 10-18-13 thru 4-16-14; ODE 1-2014, f. & cert. ef. 2-19-14

581-017-0215

Implementation of Grant Funding

(1) The Department of Education will make awards between \$50,000 and \$250,000 for use during the 2013-2014 or 2014-2015 school year for each eligible Mentoring, Monitoring, Accelerated grant program. The Department may not award more than \$3 million in total per biennium for the grants.

(2) The Oregon Department of Education shall establish a request for proposal solicitation and approval process to be conducted for the Mentoring, Monitoring, Acceleration program funds. All proposals will comply with the requirements of ORS 327.800 and 327.815 and rules adopted to implement those sections.

(3) Awards will be based on the following criteria:

(a) Whether the proposal identifies how the funds will be used to reach the 40-40-20 goal and improve education outcomes for underserved and at risk and accelerating students as identified by the Oregon Education Investment Board Equity Lens document.

(b) Whether the applicant proposal demonstrates support, commitment and readiness to design or revise culturally competent programming specifically for underserved/at-risk eighth and ninth grade students.

(4) The Department shall give priority to proposals that meet the minimum criteria and:

(a) Provide a sustainability plan to continue the program for at least two years after the program funding has ended.

(b) The extent to which the applicant clearly documents its capacity to implement and carry out programming and services for students achiev-

ing a "C" or higher in core academic subjects within the current academic year.

(5) The Department of Education shall allocate funds for the grant program based on the evaluation of the grant application and the following considerations:

(a) Organizations who have documented evidence of serving underserved/at-risk eighth and ninth grade students and/or drop outs.

(b) Organizations designed to return or advance eighth or ninth grade students to a "C" or higher grade in core academic subjects within the same academic year using a systematic program design.

(c) Geographic location of the program organization to ensure geographic representation of the targeted student groups are included throughout the state.

(d) Organizations currently serving eighth and ninth grade underserved or at risk students that could improve academic levels to "C" or higher in core academic subjects with additional resources.

(e) Organizations that have a high level of students who are at or below a "C" in core academic subjects.

(f) Give preference to organizations that have demonstrated success by improving student academic outcomes.

(6) Each award may be up to \$250,000 which shall be given during the following phases based on a detailed budget narrative and budget template:

(a) Planning phase;

(b) Implementation phase; and

(c) Evaluation phase.

(7) Grant recipients shall use funds received for the planning, implementation, and evaluation phases of the grant for activities outlined in the request for proposal.

(8) Grant recipients must be able to expend the funds for allowable purposes specified in the request for proposal within the grant timeline according to acceptable accounting procedures.

Stat. Auth.: ORS 327.800
Stat. Implemented: ORS 327.815
Hist.: ODE 23-2013(Temp), f. & cert. ef. 10-18-13 thru 4-16-14; ODE 1-2014, f. & cert. ef. 2-19-14

581-017-0220

Timelines and Performance Measures

The Oregon Department of Education shall provide award recipients a template for an interim and final grant report. Recipients are required to submit the interim and final report prior to receiving their final request for funds.

Stat. Auth.: ORS 327.800
Stat. Implemented: ORS 327.815
Hist.: ODE 23-2013(Temp), f. & cert. ef. 10-18-13 thru 4-16-14; ODE 1-2014, f. & cert. ef. 2-19-14

Rule Caption: Oregon STEM Lab School Grant

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

Filed with Sec. of State: 2-19-2014

Certified to be Effective: 2-19-14 thru 8-17-14

Notice Publication Date:

Rules Adopted: 581-017-0335, 581-017-0338, 581-017-0341, 581-017-0344, 581-017-0347

Subject: Support STEM, STEAM and CTE focused organizations to close the achievement gap and raise student achievement.

Rules Coordinator: Cindy Hunt—(503) 947-5651

581-017-0335

Definitions and Establishment of STEM Lab Schools

(1) The following definitions apply to 581-017-0335 TO 581-017-0347:

(a) "Achievement Gap" means the gap in achievement (state test scores in science and mathematics as well as postsecondary degree attainment in STEM) that often exists between students who are economically disadvantaged, students learning English as a second language, African American, Hispanic or Native American compared to their peers.

(b) "Authentic Problem-Based Learning" means using real world questions, problems, and tasks — often drawn from local community issues and industries — as the focus to drive the learning experiences, deepen understanding, and developing rich contextual connections across a variety of STEM and non-STEM disciplines.

(c) "Career and Technical Education (CTE)" is a comprehensive educational program for students based on industry needs. CTE includes

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coursework in areas such as health care, engineering, and computer science.

(d) “Community Engagement” means a broad collaboration and participation between multiple sectors of the community for the mutually beneficial exchange of knowledge and resources to identify local needs and contribute to larger conversations on visioning planning which may include, but not limited to parent groups and advocacy groups, industry and STEM agencies, economic and workforce groups, student input, and educators.

(e) “Effective STEM Instruction” means the use of evidence-based practices that support interconnected, relevant STEM instruction as stated in definition number fourteen.

(f) “Effective STEM Leadership” means identifying schools, school districts, postsecondary institutions, business & industry, student-focused nonprofits and community leadership to support implementing and improving STEM teaching and learning in addition to creating a culture that fosters STEM learning with evidence-based resources. Effective STEM leadership develops an understanding of what effective and interconnected STEM education looks like in the classroom and supports the development of learning environments that empower educators to implement innovative STEM education approaches.

(g) “Effective STEM Learning Environments” means supporting student interaction with STEM education during formal and informal settings in ways that promote deeper understanding of real-world concepts. Such learning environments must engage all students in solving complex problems, using highly interactive learning opportunities that create new opportunities for STEM learning across the core curriculum.

(h) “Equity Lens” refers to the commitment and principles adopted by the Oregon Education Investment Board to address inequities of access, opportunity, interest, and attainment for underserved and underrepresented populations in all current and future strategic investments.

(i) “Postsecondary Institution” means:

(A) A community college operated under ORS chapter 341.

(B) The following public universities within the Oregon University System:

(i) University of Oregon.

(ii) Oregon State University.

(iii) Portland State University.

(iv) Oregon Institute of Technology.

(v) Western Oregon University.

(vi) Southern Oregon University.

(vii) Eastern Oregon University.

(viii) Oregon Health and Science University.

(C) An Oregon-based, generally accredited, not-for-profit institution of higher education.

(j) “Regional STEM Hub” means a commitment of a group of key stakeholders from different sectors such as, but not limited to school districts, informal education providers, postsecondary institutions, business & industry, student-focused nonprofits, students, families, community members and policy makers to advance state and local educational goals related to science, technology, engineering, mathematics and career & technical education (CTE).

(k) “School” means a public middle school, high school, community college, or postsecondary institution offering a comprehensive instructional program. A school may include a discreet comprehensive instructional program within a larger school or college.

(l) “Statewide STEM Network” means a supportive collaboration between and across Regional STEM Hubs to share knowledge, expertise, insights, and leadership to assist other communities in their efforts to create similar STEM partnerships.

(m) “STEAM Education” means the incorporation of strategies to enhance science, technology, engineering and mathematics (STEM) education by integrating art and design, and promoting creative possibilities.

(n) “STEM Education” means an approach to teaching and lifelong learning that emphasizes the natural interconnectedness of the four separate STEM disciplines which mirrors the practices and rich contexts of STEM practitioners. Developing and deepening content knowledge and skills in science and mathematics is the foundation of STEM teaching and learning. The natural connections among science, mathematics and STEM are made explicit through collaboration between educators resulting in authentic and appropriate context built into instruction, curriculum, and assessment. The common element of problem solving is emphasized across all STEM disciplines allowing students to discover, explore, and apply critical thinking skills as they learn.

(o) “STEM Lab School” means to establish a school that has a student-centered school culture of inquiry with meaningful and authentic learning environments that integrate STEM and/or STEAM education aligned with state, national and industry standards. This cutting-edge learning center will deepen connections between other educational institutions, business, industry, out-of-school educators, and the local community to create and promote STEM career pathways for students. An intentional focus of a lab school is to support the professional learning of current and future educators, the implementation of innovative education models, and educational research in a manner that increases knowledge and capacity of systems and institutions beyond the school itself.

(p) “STEM Practitioners” refers to individuals engaged in STEM-related professions such as but not limited to, natural resources management, high-tech manufacturing and product development, information technology, industrial design, health sciences, software, scientific research, engineering, data analytics, etc.

(q) “Student-Focused Nonprofits” means an organization that meets all of the following requirements:

(A) Is established as a nonprofit organization under the laws of Oregon;

(B) Qualifies as an exempt organization under section 501(c)(3) of the Internal Revenue Code as defined in ORS 314.011; and

(C) Is focused on providing services to students and/or educators who’s goals or mission are focused on impacting and improving student outcomes in STEM education.

(r) “Underserved Students” are students whom systems have placed at risk because of their race, ethnicity, English language proficiency, socioeconomic status, gender, sexual orientation, differently abled, or geographic location.

(s) “Underrepresented Students” in STEM are from demographic groups whose representation in STEM fields and industries does not mirror regional and national focus populations specifically, women, African American, Native American, Hispanic and Pacific Islander students which systems have provided insufficient or inadequate balance of opportunity.

(2) The STEM Lab Schools Grant is established as part of the Connecting to the World of Work Program.

(3) The purpose of the STEM Lab School Grant is to:

(a) Engage middle school, high school and/or community college students in authentic, inquiry-based learning environments that increase experiential learning opportunities focused on Science, Technology, Engineering, and Mathematics (STEM) education and design-related industries to improve, enhance, and enrich students’ problem-solving capabilities and to foster 21st Century Skills.

(b) Address ongoing access, opportunity, interest and attainment gaps for underserved and underrepresented students in STEM and design-related industries consistent with the Equity Lens.

(c) Promote more effective STEM and design-related industries instructional practices consistent with Common Core State Standards, Oregon State Science Standards and Oregon State Arts Standards by offering educator professional learning opportunities.

Stat. Auth.: ORS 327.800

Stat. Implemented: ORS 327.820

Hist.: ODE 2-2014(Temp), f. & cert. ef. 2-19-14 thru 8-17-14

581-017-0338

Eligibility of STEM Lab Schools

(1) The Oregon Department of Education may allocate funds for STEM Lab Schools to the following entities:

(a) Public Schools;

(b) School districts;

(c) Student-focused nonprofit organizations; or

(d) Postsecondary institutions for the purpose of supporting STEM education.

(2) A single grant proposal may include more than one eligible applicant and other entities but the lead agency for the proposal must be one of entities listed in subsection (1) of this rule.

Stat. Auth.: ORS 327.800

Stat. Implemented: ORS 327.820

Hist.: ODE 2-2014(Temp), f. & cert. ef. 2-19-14 thru 8-17-14

581-017-0341

Criteria of STEM Lab Schools

(1) The Oregon Department of Education shall establish a request for proposal solicitation and approval process to be conducted each biennium for which the STEM Lab School grant funds are available. All proposals must comply with the requirements of ORS 327.800 and 327.820 and rules adopted to implement those statutes.

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(2) Eligible public schools, school districts, postsecondary institutions, and student-focused nonprofit organizations will focus on STEM education and design-related industry with a specific agenda that demonstrates a record of success or clearly established plans for addressing the following:

(a) Closing the achievement gap for underserved students and those underrepresented in STEM fields with innovative approaches.

(b) Support effective implementation of the Common Core State Standards, the Oregon State Science Standards and the Oregon State Arts Standards.

(c) Successfully move students along a P-20 STEM workforce pathway.

(d) Engage students in meaningful, authentic, problem-based learning that will support the Oregon's 40-40-20 goal.

(e) Provide professional learning opportunities that support educator effectiveness.

(3) Eligible public schools, school districts, student-focused nonprofit organizations, and post-secondary institutions must have a comprehensive system for measuring students' quantitative and qualitative outcomes, provide documented data and ensure that the resources received will be used to provide STEM career pathway opportunities to students.

Stat. Auth.: ORS 327.800

Stat. Implemented: ORS 327.820

Hist.: ODE 2-2014(Temp), f. & cert. ef. 2-19-14 thru 8-17-14

581-017-0344

Implementation of Grant Funding of STEM Lab Schools

(1) The Oregon Department of Education shall allocate funds to support STEM Lab Schools.

(2) Each grantee may receive funds between \$300,000 and \$700,000 for use during the 2013-2015 biennium.

Stat. Auth.: ORS 327.800

Stat. Implemented: ORS 327.820

Hist.: ODE 2-2014(Temp), f. & cert. ef. 2-19-14 thru 8-17-14

581-017-0347

Reporting of STEM Lab Schools

The Department of Education shall develop partnership-reporting requirements for allocation of funds for implementation of STEM Lab Schools as required by the Oregon Education Investment Board.

Stat. Auth.: ORS 327.800

Stat. Implemented: ORS 327.820

Hist.: ODE 2-2014(Temp), f. & cert. ef. 2-19-14 thru 8-17-14

Rule Caption: Eastern Promise Replication Grant Program

Adm. Order No.: ODE 3-2014(Temp)

Filed with Sec. of State: 2-19-2014

Certified to be Effective: 2-19-14 thru 8-18-14

Notice Publication Date:

Rules Adopted: 581-017-0350, 581-017-0353, 581-017-0356, 581-017-0359, 581-017-0362

Subject: Implements provisions of HB 3232 by promoting collaboration among education institutions to replicate Eastern Promise, an evidence-based model and best practice that is likely to improve student outcomes. The program creates opportunities for high school students to participate in college-level courses and earn college credits and/or certificates, while still in high school, as well as build a college-going culture and attitudes through programs that begin serving students and families as early as 5th grade.

Rules Coordinator: Cindy Hunt—(503) 947-5651

581-017-0350

Definitions

The following definitions apply to OAR 581-017-0350 to 581-017-0362:

(1) "Consortium" means the equal partnership developed to form the cross-sector collaboration between eligible educational institutions.

(2) "Proximity" means the four-year institution participating in the program will have a branch campus located within 150 miles of their community college partners' regional borders.

(3) "Private post-secondary institution" means an Oregon-based, generally accredited, not-for-profit institution of higher education.

(4) "Public post-secondary institution" means:

(a) The following public universities within the Oregon University System:

(A) University of Oregon.

(B) Oregon State University.

(C) Portland State University.

(D) Oregon Institute of Technology.

(E) Western Oregon University.

(F) Southern Oregon University.

(G) Eastern Oregon University.

(b) Oregon Health and Science University.

(5) "Significant population" means to serve the majority of underserved students within the consortiums region.

(6) "Underserved student" means a student (English language learner, student of color, an economically disadvantaged student or a student with disabilities) who has not historically taken high school accelerated courses and may not have considered enrolling in a post-secondary education program.

(7) "Variety" means students having access to a choice of courses offered in core academic subjects, in different forums (which include yet are not limited to distance learning, high school campus, college campus, by proficiency assessment or through credit for prior learning), that are eligible for transfer.

Stat. Auth.: ORS 327.800

Stat. Implemented: ORS 327.820

Hist.: ODE 3-2014(Temp), f. & cert. ef. 2-19-14 thru 8-17-14

581-017-0353

Eastern Promise Replication Grant Program Establishment

(1) The Eastern Promise Replication Grant is established as part of the Connecting the World to Work Program Strategic Investment under ORS 327.820.

(2) The purposes of the grant are to:

(a) Connect students to the World of Work;

(b) Develop consortiums of school districts, education service districts and post-secondary institutions of higher education committed to developing innovative and flexible pathways for students in grades 6 through 12 and in community colleges; and

(c) Distribute moneys to consortiums that include at least three school districts, at least one education service district, at least one community college and at least one public or private post-secondary institution to design and deliver individualized, innovative and flexible ways of delivering content, awarding high school and college credit and providing development education for students in high school or in the first two years of post-secondary education.

Stat. Auth.: ORS 327.800

Stat. Implemented: ORS 327.820

Hist.: ODE 3-2014(Temp), f. & cert. ef. 2-19-14 thru 8-17-14

581-017-0356

Eligibility

The Department of Education shall allocate funds for the Eastern Promise Replication Program grant to consortiums that consist of at least three school districts, at least one education service district, at least one community college and at least one public or private post-secondary institution.

Stat. Auth.: ORS 327.800

Stat. Implemented: ORS 327.820

Hist.: ODE 3-2014(Temp), f. & cert. ef. 2-19-14 thru 8-17-14

581-017-0359

Implementation of Grant Funding

(1) The Department of Education will make awards between \$465,000 and \$650,000 (adjusted by justifiable need) for use during the 2014-2015 school year for replication of the Eastern Promise program.

(2) The Oregon Department of Education shall establish a request for proposal solicitation and approval process to be conducted for the Eastern Promise Replication program funds. All proposals will comply with the requirements of ORS 327.800 and 327.820(3)(a)(D) and rules adopted to implement those sections.

(3) Awards will be based on the following criteria:

(a) Whether the proposal identifies how the funds will be used to reach the 40-40-20 goal by replicating the core pillars of Eastern Promise early college experiences and Professional Learning Communities.

(b) Whether the applicant proposal demonstrates support, commitment and readiness to design or revise programming specifically for offering early college experiences and developing Professional Learning Communities.

(c) Whether there is a commitment to cross-sector collaboration between a university, community college(s), education service district(s), and districts where each partner is engaged as an equal partner.

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(d) Whether there is a commitment to providing students with a variety of accelerated learning opportunities, such as on-campus experiences, dual credit, Advanced Placement, International Baccalaureate, and to ensuring students receive support and specific instruction around the knowledge, skills and behaviors necessary to be successful in college-level coursework.

(e) Whether there is a commitment to developing cross-sector professional learning, including faculty and teachers from the university, community college and ESD/high schools of like disciplines. The consortium will ensure that all levels of instruction are represented and participate in discussing and establishing the appropriate curriculum, and in developing appropriate and shared assessment parameters to measure outcomes.

(f) Whether there is a commitment to building a college-going culture, which refers to the environment, attitudes, and practices in schools and communities that encourage students and their families to obtain the information, tools, and perspective to enhance access to and success in post-secondary education. The applicant should describe a plan for one or more programs servicing students, beginning in middle grades, that:

(A) Helps students learn about options for their future, careers and the education they require;

(B) Convey the expectation that all students can prepare for the opportunity to attend and be successful in post-secondary education; and

(C) Ensure schools, families, and communities give students the same message of high expectations for their future.

(4) The Department shall give priority to proposals that meet the minimum criteria and:

(a) Provide a sustainability plan to continue the program for at least two years after the program funding has ended.

(b) The extent to which the applicant clearly documents its capacity to implement and carry out programming to replicate pillars of the Eastern Promise program.

(5) The Department of Education shall allocate funds for the grant program based on the evaluation of the grant application and the following considerations:

(a) Programs representing the core pillars of the Eastern Promise Early College Experience.

(b) Programs that exhibit innovative and flexible ways of delivering content, awarding high school and college credit and providing development education for students in high school or in the first two years of post-secondary education.

(c) The number of students the Early College Experience program will serve.

(d) Programs with a detailed process to identify, enroll, support and retain underserved students.

(e) Programs that have a high level of underserved students who historically have not taken high school accelerated courses.

(f) Geographic locations of the program organization to ensure geographic representation of the targeted student groups are included throughout the state.

(6) Each award may be between \$465,000 and \$650,000 which shall be given during the following phases based on a detailed budget narrative and budget template:

(a) Planning and Implementation phase

(b) Evaluation phase.

(7) Grant recipients shall use funds received for the planning, implementation, and evaluation phases of the grant for activities outlined in the request for proposal.

(8) Grant recipients must be able to expend the funds for allowable purposes specified in the request for proposal within the grant timeline according to acceptable accounting procedures by June 30, 2015.

(9) Grant recipients will document and account for each student enrolled in and completing accelerated college courses before the final distribution of grant funds.

Stat. Auth.: ORS 327.800

Stat. Implemented: ORS 327.820

Hist.: ODE 3-2014(Temp), f. & cert. ef. 2-19-14 thru 8-17-14

581-017-0362

Timelines and Performance Measures

The Eastern Promise program shall provide award recipients a template for an interim and final grant report. Recipients are required to submit the interim and final report prior to receive their final request for funds.

Stat. Auth.: ORS 327.800

Stat. Implemented: ORS 327.820

Hist.: ODE 3-2014(Temp), f. & cert. ef. 2-19-14 thru 8-17-14

Rule Caption: Educator Effectiveness and Common Core State Standards Implementation Grant

Adm. Order No.: ODE 4-2014

Filed with Sec. of State: 2-19-2014

Certified to be Effective: 2-19-14

Notice Publication Date: 12-1-2013

Rules Adopted: 581-018-0300, 581-018-0305, 581-018-0310, 581-018-0315, 581-018-0320, 581-018-0325

Subject: The rules establish the Educator Effectiveness and Common Core State Standards Implementation Grant program, including eligibility, criteria, grant funding and reporting, in accordance with provisions of HB 3233.

Rules Coordinator: Cindy Hunt—(503) 947-5651

581-018-0300

Definitions

The following definitions apply to 581-018-0300 to 581-018-0325:

(1) “Common Core State Standards (CCSS)” means a coherent progression of learning expectations in English language arts and mathematics designed to prepare K–12 students for college and career success. CCSS were adopted by the Oregon State Board of Education in 2010.

(2) “Educator Effectiveness” means expectations for educators defined by the Core Teaching Standards established in Senate Bill 290 to improve student academic growth. Teacher effectiveness is defined by the Model Core Teaching Standards and administrator effectiveness is defined by the Oregon Educational Leadership/Administrator Standards adopted by the State Board of Education in 2011.

(3) “Oregon Framework for Teacher and Administrator Evaluation and Support Systems” means the state guidelines developed by the Oregon Department of Education and stakeholders that incorporates the requirements of Senate Bill 290 and the federal requirements of the Elementary and Secondary Education Act (ESEA) Flexibility Waiver for educator evaluation and support systems.

(4) “Regional Peer Review Panels” means the process required in Oregon’s ESEA Flexibility Waiver in which the Department of Education will ensure that each district is fully implementing educator evaluation systems and providing feedback and support to districts.

(5) “Achievement gap” means the gap in achievement that often exists between students who are economically disadvantaged, students learning English as a second language, African American, Hispanic or Native American and their peers.

(6) “Network” means the Network of Quality Teaching and Learning established by chapter 661, Oregon Law 2013 (Enrolled House Bill 3233).
Stat. Auth.: Sect. 1, ch. 661, OL 2013 (Enrolled HB 3233)
Stats. Implemented: Sect. 1, ch. 661, OL 2013 (Enrolled HB 3233)
Hist.: ODE 22-2013(Temp), f. & cert. ef. 9-27-13 thru 3-26-14; ODE 4-2014, f. & cert. ef. 2-19-14

581-018-0305

Establishment

(1) The Educator Effectiveness and CCSS Implementation Grant program is established as part of the Network for Quality Teaching and Learning.

(2) The purposes of the grants are to:

(a) Build each school district’s capacity to support full implementation of the Oregon Framework for Teacher and Administrator Evaluation and Support Systems and the Common Core State Standards.

(b) Enhance school district leadership capacity to plan and support high quality professional learning.

(c) Ensure coherence and integration of policies to improve educator practice and student learning.

(d) Establish and support regional Peer Review Panels to:

(A) Ensure that districts are fully implementing valid and reliable educator evaluation and support systems and CCSS including for English Learners, students with disabilities, and low-achieving students; and

(B) Provide high quality feedback and support to districts.

(C) Districts must present their evaluation and support system to a Peer Review Panel by July 1, 2015.

Stat. Auth.: Sect. 1, ch. 661, OL 2013 (Enrolled HB 3233)

Stats. Implemented: Sect. 1, ch. 661, OL 2013 (Enrolled HB 3233)

Hist.: ODE 22-2013(Temp), f. & cert. ef. 9-27-13 thru 3-26-14; ODE 4-2014, f. & cert. ef. 2-19-14

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581-018-0310

Eligibility

The Department of Education shall allocate funds for Educator Effectiveness and CCSS Implementation to:

(1) School districts or consortia of small districts to support an Education Facilitator Team and district implementation.

(2) Non-profit organizations and postsecondary institutions for the purpose of supporting implementation.

Stat. Auth.: Sect. 1, ch. 661, OL 2013 (Enrolled HB 3233)

Stats. Implemented: Sect. 1, ch. 661, OL 2013 (Enrolled HB 3233)

Hist.: ODE 22-2013(Temp), f. & cert. ef. 9-27-13 thru 3-26-14; ODE 4-2014, f. & cert. ef. 2-19-14

581-018-0315

Criteria

(1) Each school district or a consortium of small school districts must establish a collaborative Professional Learning Team consisting of teachers and building/district administrators to support district-wide implementation of the CCSS and the Oregon Framework for Teacher and Administrator Evaluation and Support Systems. District teams must take into consideration the needs of all students in their district, including students with disabilities, English learners, and low-achieving students and closing the achievement gap. District Professional Learning Teams will:

(a) Attend Educator Effectiveness-CCSS Professional Learning Conferences provided by the Department.

(b) Facilitate an assessment of the district's professional learning needs for implementation of Educator Effectiveness and CCSS.

(c) Facilitate professional learning within the district.

(d) Serve as a liaison to the Department to disseminate information and inform policy.

(2) During the 2014-15 school year, each school district shall present their educator evaluation and support system to a regional Peer Review Panel. The Department shall establish and disseminate criteria for the peer review process to school districts during the 2013-14 school year.

Stat. Auth.: Sect. 1, ch. 661, OL 2013 (Enrolled HB 3233)

Stats. Implemented: Sect. 1, ch. 661, OL 2013 (Enrolled HB 3233)

Hist.: ODE 22-2013(Temp), f. & cert. ef. 9-27-13 thru 3-26-14; ODE 4-2014, f. & cert. ef. 2-19-14

581-018-0320

Grant Funding

(1) The Department shall allocate funds to school districts or consortia of small school districts to establish Professional Learning Teams as described in 581-018-0315 and provide professional learning to support implementation of Educator Effectiveness and CCSS.

(2) Each school district that participates in the Educator Effectiveness-CCSS Professional Learning Conferences will be awarded a non-competitive grant based on ADMw and district needs.

(3) The Department of Education shall facilitate statewide and regional networking among districts and post-secondary institutions to promote collaborative learning and sharing of best practices.

(4) The Department of Education and school districts may contract with entities on the master contractor list to provide professional learning and technical assistance to support implementation in districts.

(5) Each school district that participates in the Educator Effectiveness-CCSS Professional Learning Conferences will be awarded a non-competitive grant based on ADMw and district needs.

(6) The Department shall facilitate statewide and regional networking among districts and post-secondary institutions to promote collaborative learning and sharing of best practices.

(7) The Department and school districts may contract with entities on the master contractor list to provide professional learning and technical assistance to support implementation in districts.

Stat. Auth.: Sect. 1, ch. 661, OL 2013 (Enrolled HB 3233)

Stats. Implemented: Sect. 1, ch. 661, OL 2013 (Enrolled HB 3233)

Hist.: ODE 22-2013(Temp), f. & cert. ef. 9-27-13 thru 3-26-14; ODE 4-2014, f. & cert. ef. 2-19-14

581-018-0325

Reporting

The Department of Education shall develop district reporting requirements for allocation of funds for Educator Effectiveness and CCSS implementation as required by the Oregon Investment Board and the Network for Quality Teaching and Learning.

Stat. Auth.: Sect. 1, ch. 661, OL 2013 (Enrolled HB 3233)

Stats. Implemented: Sect. 1, ch. 661, OL 2013 (Enrolled HB 3233)

Hist.: ODE 22-2013(Temp), f. & cert. ef. 9-27-13 thru 3-26-14; ODE 4-2014, f. & cert. ef. 2-19-14

Rule Caption: Support for Small/Rural Districts

Adm. Order No.: ODE 5-2014(Temp)

Filed with Sec. of State: 2-19-2014

Certified to be Effective: 2-19-14 thru 8-18-14

Notice Publication Date:

Rules Adopted: 581-018-0327, 581-018-0330, 581-018-0333, 581-018-0336

Subject: The Small/Rural Districts Initiative addresses the unique needs of rural schools and districts, supporting districts in creating and implementing systems that focus on improving educator practice and high educational outcomes for students as described in the Network for Quality Teaching and Learning (HB 3233).

Rules Coordinator: Cindy Hunt—(503) 947-5651

581-018-0327

Definitions

The following definitions apply to 581-018-0327 to 581-018-0336

(1) "Common Core State Standards (CCSS)" means a coherent progression of learning expectations in English language arts and mathematics designed to prepare K–12 students for college and career success. CCSS were adopted by the Oregon State Board of Education in 2010. (2) "Educator Effectiveness" means expectations for educators defined by the Core Teaching Standards established in Senate Bill 290 to improve student academic growth. Teacher effectiveness is defined by the Model Core Teaching Standards and administrator effectiveness is defined by the Oregon Educational Leadership/Administrator Standards adopted by the State Board of Education.

(3) "Network" means the Network of Quality Teaching and Learning established by ORS 342.950.

Stat. Auth.: ORS 342.950

Stats. Implemented: ORS 342.950

Hist.: ODE 5-2014(Temp), f. & cert. ef. 2-19-14 thru 8-18-14

581-018-0330

Purpose and Eligibility

(1) The Oregon Department of Education shall establish a noncompetitive grant to support small/rural districts in implementing the Common Core State Standards and improving Educator Effectiveness.

(2) The Department shall determine eligible school districts for the grant based whether the district meets both the size and rural designation criteria.

(3) The Oregon Department of Education shall determine each biennium when the Small/Rural Grant Funds are available and which school districts are eligible to receive funds. The Department shall notify eligible districts of the application process and the due dates, and make available necessary guidelines and application forms.

(4) The Department shall distribute funds to eligible districts based on the following rural and size designation:

(a) Rural Designation

(A) "County Designation" means a county designated by the US Census Bureau as either Rural, Micropolitan or Metropolitan.

(B) "Rural" means a district designated by the US Census Bureau as being located outside of an city or its urban fringe area for statistical purposes.

(C) "District Designation" means the label assigned to the district depending the county it is located in where it is defined as Rural (e.g. Micropolitan county-rural).

(b) Size Designation

(A) "Very Small District" means a district whose ADMr is 1-499.

(B) "Small District" means a district whose ADMr is 500-1,000.

(C) "Mid-Size District" means a district whose ADMr is 1,001-2,200.

Stat. Auth.: ORS 342.950

Stats. Implemented: ORS 342.950

Hist.: ODE 5-2014(Temp), f. & cert. ef. 2-19-14 thru 8-18-14

581-018-0333

Funding

The Department of Education shall determine the amount of funds available to an eligible district based on the district's size and rural county designation.

Stat. Auth.: ORS 342.950

Stats. Implemented: ORS 342.950

Hist.: ODE 5-2014(Temp), f. & cert. ef. 2-19-14 thru 8-18-14

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581-018-0336

Reporting

(1) Districts shall meet timelines, performance measures and other requirements related to the accumulation and evaluation of data collected as required by the Oregon Investment Board and the Oregon Department of Education.

(2) Districts shall submit interim and final grant reports describing progress toward grant requirements and goals as defined by the Department of Education.

Stat. Auth.: ORS 342.950

Stat. Implemented: ORS 342.950

Hist.: ODE 5-2014(Temp), f. & cert. ef. 2-19-14 thru 8-18-14

Rule Caption: Establishes a Culturally Responsive Pedagogy and Practices Grant Program

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

Filed with Sec. of State: 2-19-2014

Certified to be Effective: 2-19-14 thru 8-18-14

Notice Publication Date:

Rules Adopted: 581-018-0500, 581-018-0503, 581-018-0506, 581-018-0509, 581-018-0512, 581-018-0515

Subject: The rule establishes a Culturally Responsive Pedagogy and Practices Grant program as one of the methods to address initiatives in HB 3233. The purpose of the grant program is to support school districts, post-secondary institutions and non-profit organizations in closing opportunity gaps for culturally and/or linguistically diverse learners through culturally responsive pedagogy and practices.

Rules Coordinator: Cindy Hunt—(503) 947-5651

581-018-0500

Definitions

The following definitions apply to OAR 581-018-0500 to 581-018-0515:

(1) "Achievement gap" means the research-based gap in opportunity that often exists between students who are economically disadvantaged, students learning English as a second language and students who are African American, Hispanic or Native American and their White peers.

(2) "Culturally responsive" means the implicit use of the cultural knowledge, prior experiences, frames of reference, and performance styles of diverse students to make learning more appropriate and effective for them.

(3) "Culturally Responsive Pedagogy and Practices Grant" means the Grant established in OAR 581-018-0205 to implement ORS 342.950(3)(f).

(4) "Culturally Relevant" means pedagogy and practices that propose the following: students must experience academic success, students must develop and/or maintain cultural competence, and students must develop a critical consciousness through which they challenge the status quo of the current social order.

(5) "Culturally and/or linguistically diverse" means: students who identify as racial and/or ethnically diverse (Hispanic, African American, Native American, Alaskan Native, Pacific Islander) or whose native language is not English.

(6) "Culturally competent" means the ability to successfully teach students who come from a culture or cultures other than our own. It entails developing certain personal and interpersonal awareness and sensitivities, understanding certain bodies of cultural knowledge, and mastering a set of skills that, taken together, underlie effective cross-cultural teaching and culturally responsive teaching.

(7) "Systemic Equity" means: the transformed ways in which systems and individuals habitually operate to ensure that every learner- in whatever learning environment that learner is found- has the greatest opportunity to learn enhanced by the resources and supports necessary to achieve competence, excellence, independence, responsibility, and self-sufficiency for school and for life.

(8) "Opportunity gap" means: the ways in which race, ethnicity, socioeconomic status, English proficiency, community wealth, familial situations, or other factors contribute to or perpetuate lower educational aspirations, achievement, and attainment for certain groups of students.

(9) "Pre-service teacher" means an individual who is enrolled in a post-secondary teacher preparation program at the undergraduate or graduate level working to obtain an initial teaching license.

Stat. Auth.: ORS 342.950

Stat. Implemented: ORS 342.950

Hist.: ODE 6-2014(Temp), f. & cert. ef. 2-19-14 thru 8-18-14

581-018-0503

Establishment

(1) There is established the Culturally Responsive Pedagogy and Practices Grant to support school districts and post-secondary educator preparation programs who are working to close achievement gaps for culturally and/or linguistically diverse learners through culturally responsive pedagogy and practices. The grants may be used to fund research based best practices which:

(a) Provide a critical opportunity for schools and institutions of higher education to address the social and academic needs of diverse students ; and

(b) Connect in-school experiences with out-of-school living, promote educational equity and excellence, and create a strong community among individuals from diverse cultural, social, and ethnic backgrounds while developing students' sense of agency, efficacy, and empowerment.

(2) Subject to available funds, the grants will be awarded for the biennium based on a detailed description of proposed programming or services. This can include but is not limited to:

(a) Planning phase.

(b) Implementation phase.

(3) The purpose of the grant program is to provide funds to school districts and post-secondary educator preparation programs that are focused on collaboration around culturally responsive professional development and pre-service teacher preparation. Outcomes of this work should be evident through teacher interactions with culturally and/or linguistically diverse learners and increased academic achievement for these students. This can include the following:

(a) Developing culturally responsive pedagogy and practice specific to closing the opportunity gap for Hispanic (Latino/a), African American, Asian American, Alaskan Native, American Native, and all other student populations of color;

(b) Connecting with students of color with special emphasis on the implementation of the Oregon Multicultural Education Act;

(c) Best practice in Education Equity;

(d) Strengthening ties between home, school, tribes, and larger communities;

(e) Post-secondary course work and field experiences concentrated on preparing pre-service teachers to demonstrate pedagogy and practices of a culturally responsive educator.

Stat. Auth.: ORS 342.950

Stat. Implemented: ORS 342.950

Hist.: ODE 6-2014(Temp), f. & cert. ef. 2-19-14 thru 8-18-14

581-018-0506

Eligibility

To be eligible to receive the Culturally Responsive Pedagogy and Practices Grant an applicant must be a:

(1) School district;

(2) Public charter school;

(3) Consortium of school districts, public charter schools, non-profits organizations and/or post-secondary institutions; or

(5) Consortia may have the district, public charter school, non-profit organization or post-secondary institution serve as a lead agency for the grant.

(6) Post-secondary teacher preparation programs. Each post-secondary institution must have at least one school districts or public charter school as a partner.

(7) Non-profit organization. Each non-profit organization must have at least one school district, public charter and/or post-secondary institution as a partner.

(8) In addition to the entities listed in subsection (1) of this section consortia may also have additional partner entities.

Stat. Auth.: ORS 342.950

Stat. Implemented: ORS 342.950

Hist.: ODE 6-2014(Temp), f. & cert. ef. 2-19-14 thru 8-18-14

581-018-0509

Criteria

(1) The Oregon Department of Education shall establish a request for proposal solicitation and approval process to be conducted for the Culturally Responsive Pedagogy and Practices Grant funds. All proposals must comply with the requirements of section 1, chapter 661, Oregon Laws 2013 (Enrolled House Bill 3233) and rules adopted to implement that section.

(2) Grants shall be awarded based on the following criteria:

(a) Whether the grant application identifies how the funds will be used to reach the 40-40-20 goal and improve education outcomes for stu-

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dents of color and English learners as identified by the Oregon Education Investment Board Equity Lens document.

(b) Whether the grant applicant demonstrates commitment and readiness to use best practice around culturally responsive pedagogy and practice to close opportunity gaps for culturally and/or linguistically diverse learners.

(3) The Department shall give priority to proposals that meet the minimum criteria and:

(a) Provide a sustainability plan to continue the program for at least two years after the grant funding has ended.

(b) The extent to which the applicant clearly documents its capacity to design and implement preparation and/or professional development that focuses on culturally responsive pedagogy and practices that:

(A) Increase academic achievement, retention, and graduation rates for students of color;

(B) Increase student engagement and participation;

(C) Increase of the presence of culturally competent teachers and teaching;

(D) Strengthen the bond and communication between home, school, tribe, and the larger community;

(E) Effectively utilize the local community as an extension of the classroom learning environment;

(F) Use any exemplary multicultural curricula or strategies identified by the Department of Education pursuant to the Oregon Multicultural Act under ORS 336.113, as a guide for curriculum and development; and

(G) Implement professional development that is culturally responsive and extends throughout the entire school year;

(H) Revise course offerings and field experiences for pre-service teachers that explicitly prepares educators to implement culturally responsive teaching and practices.

(4) The Department of Education shall allocate funds for the grant program based on the evaluation of the grant application and the following considerations:

(a) Geographic location of applicants to insure geographic diversity within the recipients of grant program funds throughout the state;

(b) Applicants who demonstrate evidence of prior design/planning of a robust culturally responsive learning environment as a way to close achievement gaps for culturally and/or linguistically diverse learners;

(c) Applicants who have a high level of culturally and/or linguistically diverse learners, and those who experience economic disparities.

Stat. Auth.: ORS 342.950

Stat. Implemented: ORS 342.950

Hist.: ODE 6-2014(Temp), f. & cert. ef. 2-19-14 thru 8-18-14

581-018-0512

Funding

(1) Each grantee may apply for between \$50,000-\$200,00 in funding which shall be awarded during the following phases based on a detailed budget narrative and budget template:

(a) Planning phase;

(b) Implementation Phase.

(2) Grantees shall use funds received for the planning and implementation phases of the grant for activities outlined in the request for proposal.

(3) Grantees must be able to expend the funds for allowable purposes specified in the request for proposal within the grant timeline according to acceptable accounting procedures.

Stat. Auth.: ORS 342.950

Stat. Implemented: ORS 342.950

Hist.: ODE 6-2014(Temp), f. & cert. ef. 2-19-14 thru 8-18-14

581-018-0515

Reporting

The Oregon Department of Education shall provide to grant recipients a template for an interim and final grant report. Grantees are required to submit a final report prior to receiving their final request for funds.

Stat. Auth.: ORS 342.950

Stat. Implemented: ORS 342.950

Hist.: ODE 6-2014(Temp), f. & cert. ef. 2-19-14 thru 8-18-14

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Rule Caption: Establishes English Language Proficiency Standards Professional Learning Grant

Adm. Order No.: ODE 7-2014(Temp)

Filed with Sec. of State: 2-19-2014

Certified to be Effective: 2-19-14 thru 8-18-14

Notice Publication Date:

Rules Adopted: 581-018-0540, 581-018-0543, 581-018-0546, 581-018-0549, 581-018-0552, 581-018-0553, 581-018-0556

Subject: The purpose of the Grant is to provide cyclical, reflective professional learning opportunities to Oregon educators to support the implementation of the new English Language Proficiency Standards throughout the state of Oregon by the end of the 2014-2015 school year.

Rules Coordinator: Cindy Hunt—(503) 947-5651

581-018-0540

Definitions

The following definitions apply to OAR 581-018-0540 to 581-018-0556:

(1) “English Language Proficiency Standards” means the standards adopted by the State Board of Education to show what a student should know and be able to do at a given grade level. The English Language Proficiency Standards are also referred to as ELP Standards.

(2) “English Learner” or “English Language Learner” means a student who meets the definition of “Limited English Proficient” found in Title IX, Part A, Section 9101.25 of the No Child Left Behind Act of 2001 (NCLB).

(3) “Massive Open Online Course (MOOC)” means an online course aimed at unlimited participation and open access via the Internet.

(4) “Professional Learning” means opportunities that allow educators to collaborate and learn about new standards, methodologies, and strategies for working with students.

(5) “Training of Trainers” means a style of training designed to equip small groups of trainers with the skills, knowledge and strategies to train larger groups of educators in their local school districts.

(6) “ELP Standards Work Group” refers to a group of lead educators established under OAR 581-018-0546 that serve as an advisory body and corps of trainers in the Professional Learning Team Conference.

Stat. Auth. ORS 342.950

Stat. Implemented: ORS 342.950

Hist.: ODE 7-2014(Temp), f. & cert. ef. 2-19-14 thru 8-18-14

581-018-0543

Establishment

(1) There is established the English Language Proficiency Standards Professional Learning Grant.

(2) The purpose of the English Language Proficiency Standards Professional Learning Grant is to support target school districts with the implementation of the new English Language Proficiency Standards.

(3) The English Language Proficiency Standards Professional Learning Grant will support a training of trainers system that leverages Oregon’s instructional leadership to incorporate the new ELP standards into teaching practice to support English Learners throughout the school day.

(4) ELD and mainstream educators within target school districts will participate in virtual and in-person professional learning opportunities to learn about the new ELP Standards and plan their implementation in classroom instruction.

Stat. Auth. ORS 342.950

Stat. Implemented: ORS 342.950

Hist.: ODE 7-2014(Temp), f. & cert. ef. 2-19-14 thru 8-18-14

581-018-0546

Purpose of Grant

(1) The purpose of the English Language Proficiency Standards Professional Learning Grant is to provide cyclical, reflective professional learning opportunities to Oregon educators to support the implementation of the new English Language Proficiency Standards throughout the state of Oregon by the end of the 2014-2015 school year.

(2) The Oregon Department of Education shall facilitate for target school districts:

(a) Statewide and regional workshops among districts to promote collaborative learning and sharing of best practices.

(b) A Massive Open Online Course to engage educators throughout Oregon in professional learning with the English Language Proficiency Standards.

(3) The Oregon Department of Education shall establish a ELP Standards Work Group and may contract with members of the ELP Standards Work Group to provide professional learning and technical assistance to support implementation of the ELP Standards within the target school districts.

Stat. Auth. ORS 342.950

Stat. Implemented: ORS 342.950

Hist.: ODE 7-2014(Temp), f. & cert. ef. 2-19-14 thru 8-18-14

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581-018-0549

Eligibility

(1) The following school districts shall be eligible to receive the English Language Proficiency Standards Professional Learning Grant as target school districts:

- (a) School districts with greater than 500 English Learners; or
- (b) School districts where English Learners comprise 15% of the total student population in the district.

(2) A public charter school with English Learners within a target district may receive grant funds through the district and may participate in grant activities.

(3) Notwithstanding subsection (1) of this rule, a school district that would receive less than \$1,000 under OAR 581-018-0553 is not eligible to receive a grant except as a member of a consortium of target school districts.

Stat. Auth. ORS 342.950
Stat. Implemented: ORS 342.950
Hist.: ODE 7-2014(Temp), f. & cert. ef. 2-19-14 thru 8-18-14

581-018-0552

Grant Uses and Requirements

The Oregon Department of Education shall distribute grant funds to eligible districts that agree to do the following:

(1) Commit a team of 4 members to participate in five Professional Learning Team (PLT) Conferences. Two PLT Conferences will be held in the 2013–2014 school year, followed by three PLT Conferences in the 2014–2015 school year. The district's ELP Standards Professional Learning Team will consist of:

- (a) A district level curriculum and instruction leader;
- (b) A Title III director;
- (c) An English Language Development teacher; and
- (d) A mainstream teacher.

(2) The district's ELP Standards Professional Learning Team will serve as a corps of trainers to lead professional learning within the district for ELD teachers, mainstream teachers, administrators, and staff.

(3) Professional Learning Teams must agree to participate in the Massive Open Online Course to be held at the beginning of the 2014-2015 school year.

(4) The Professional Learning Team must agree to create a model unit aligned to the new ELP Standards. This model unit will contain the following criteria, which will be posted to the network portal to be shared with colleagues throughout Oregon:

- (a) Scope and sequence;
- (b) Formative assessments;
- (c) Summative assessment;
- (d) Three sample lesson plans.

(5) The district's Superintendent must commit to attending at least one event identified by the Department of Education to develop an understanding of the ELP Standards.

(6) Participating target districts must also commit to serving as an observation site for neighboring districts. Peer to peer observation visits will be a critical component of sharing best practices aligned to the new ELP Standards.

Stat. Auth. ORS 342.950
Stat. Implemented: ORS 342.950
Hist.: ODE 7-2014(Temp), f. & cert. ef. 2-19-14 thru 8-18-14

581-018-0553

Funding

(1) The Department shall allocate funds to target school districts or consortia of target school districts to establish and support Professional Learning Teams to lead workshops for educators to implement the English Language Proficiency Standards.

(2) Provided that the district has met the requirements described in OAR 581-018-0552, the Department shall award districts that participate in the Professional Learning Team Conferences a non-competitive grant based on their total number of English Learners by district.

(3) The Department shall determine the amount of each grant as follows: Each target district grant about equals the district's number of English Language Learners multiplied by (the total amount available for distribution for the grants to districts divided by the total English Language Learners of all target school districts).

(4) Funds received by a school district under this section must be separately accounted for and may be used only to provide funding for the purposes described in the application of the grant recipient.

Stat. Auth. ORS 342.950
Stat. Implemented: ORS 342.950
Hist.: ODE 7-2014(Temp), f. & cert. ef. 2-19-14 thru 8-18-14

581-018-0556

Reporting

The Oregon Department of Education will provide a template for an interim and final grant report. Grantees are required to submit a final report prior to receiving their final request for funds.

Stat. Auth. ORS 342.950
Stat. Implemented: ORS 342.950
Hist.: ODE 7-2014(Temp), f. & cert. ef. 2-19-14 thru 8-18-14

Rule Caption: Fingerprinting Subject Individuals in Positions Not Requiring Licensure as Teachers, Administrators, Personnel Specialists, School Nurses

Adm. Order No.: ODE 8-2014

Filed with Sec. of State: 2-19-2014

Certified to be Effective: 2-19-14

Notice Publication Date: 12-1-2013

Rules Amended: 581-021-0500

Subject: Adds early childhood education program who are community college faculty members to list of subject individuals to reflected new enacted legislation. Eliminates list of "forever" crimes from rule. Crimes are still listed in statute.

Rules Coordinator: Cindy Hunt—(503) 947-5651

581-021-0500

Fingerprinting of Subject Individuals in Positions Not Requiring Licensure as Teachers, Administrators, Personnel Specialists, School Nurses

(1) Definitions of terms shall be as follows:

(a) "Subject individual" means:

(A) Any person newly hired by a school district and not requiring licensure under ORS 342.223;

(B) Any person newly hired as or by a contractor into a position having direct, unsupervised contact with students and not requiring licensure under ORS 342.223;

(C) Any person included above unless the current employer has on file evidence from a previous employer documenting a successfully completed Oregon and FBI criminal records check. The Oregon Department of Education or the Teacher Standards and Practices Commission verification of a previous check shall be acceptable only in the event the employer can demonstrate records are not otherwise available. Additional evidence that the employee has not resided outside the state between the two periods of time working in the district shall be maintained;

(D) A person who is a community college faculty member providing instruction:

(i) At the site of an early childhood education program or at a school site as part of an early childhood program; or

(ii) At a kindergarten through grade 12 school site during the regular school day; and

(E) A person who is an employee of a public charter school.

(b) "Direct, unsupervised contact with students" means contact with students that provides the person opportunity and probability for personal communication or touch when not under direct supervision;

(c) "Fee" means the total charges assessed the local school district's State School Fund by the Department of Education for processing each fingerprint card submitted. The fee amount and distribution shall be as follows:

(A) Oregon State Police (OSP) — \$28;

(B) Federal Bureau of Investigation (FBI) — \$16.50;

(C) Oregon Department of Education — \$14.50;

(D) TOTAL — \$59.

(d) "Information to be required" means all information requested by the Oregon Department of Education for processing the fingerprint application, including the following:

(A) One properly completed FBI fingerprint cards #USGPO 1990-262-201-2000; and

(B) A properly completed Department of Education form #581-2283-M.

(e) For purposes of criminal background checks pursuant to ORS 326.603 and 326.607, conducted in relation to individuals subject to such criminal background verification, the following definitions of "conviction" of a crime applies:

(A) Any adjudication in any criminal court of law, in this state or in any other jurisdiction, finding the individual committed a crime. A crime is an offense for which a sentence of imprisonment is authorized.

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(B) Any adjudication in a juvenile proceeding, in this state or in any other jurisdiction, determining that the individual committed an offense, which if done by an adult, would constitute a crime listed in ORS 342.143.

(C) Any conduct which resulted in mandatory registration reporting as a sex offender in this state or any other jurisdiction. A later court order or other action relieving the individual of the sex offender registration/reporting requirement does not affect the status of the conduct as a conviction for purposes of this rule.

(D) Any plea of guilty, no contest or nolo contendere in connection with a crime, in this state or in any other jurisdiction.

(E) A conviction exists for purposes of this rule, regardless of whether a dismissal was later entered into the record in connection with a diversion or on any sort of deferred adjudication or delayed entry of judgment.

(F) A conviction exists for purposes of this rule even if a crime was expunged or removed from the record of the individual under the laws of another jurisdiction if the crime would be ineligible under ORS 137.225 for expunction or removal from the record if the conviction had occurred in Oregon. A conviction does not exist where an Oregon court has expunged or otherwise removed a conviction from the record of an individual.

(G) A conviction does not exist, except as noted above, only where there was a judicial adjudication that the individual did not commit the offense in question, or when a conviction, adjudication or plea is overturned by an appellate court of record and no later conviction, adjudication or plea indicating the individual committed the offense in question is on the record.

(f) "Knowingly made a false statement" means that a subject individual has failed to disclose a crime on the Department of Education form #581-2283-M as part of the criminal background check process.

(g) "Applicant" means a subject individual for whom fingerprint cards and other required information have been submitted to the Oregon Department of Education for a criminal history check and review;

(h) "Newly hired" means the employment of a person after application or request for a position without regard to that person's current or previous employer; and

(i) "School district" means:

(A) A taxing district providing public elementary or secondary education, or any combination thereof, within the state;

(B) An education service district;

(C) The Oregon School for the Deaf;

(D) An educational program under the Youth Corrections Education Program; and

(E) A public charter school.

(2) School districts shall adopt and implement local board policy related to fingerprint collection and processing which shall:

(a) Specify that subject individuals as defined by this rule are subject to fingerprinting and criminal record checks required by law;

(b) Specify which contractors will be considered to have unsupervised access to children and are subject to fingerprinting and criminal records checks required by law;

(c) Specify the format used to notify subject individuals that fingerprinting and criminal record checks are required by law and that any action resulting from those checks may be appealed as a contested case;

(d) Provide a clear statement that the district will terminate the employee, if it receives notification by the Superintendent of Public Instruction that the person has been convicted, of the crimes prohibiting employment that are listed in section (9) of this rule;

(e) Provide a clear statement that the district may terminate the employee, if it receives notification by the Superintendent of Public Instruction that the person has knowingly made a false statement as to the conviction of any crime;

(f) Specify that subject individuals may begin to carry out terms of a contract or employment on a probationary basis pending the return of criminal record checks by the FBI;

(g) Identify that employment shall be offered prior to collecting fingerprint cards for submission to the Department of Education and that fees may be collected from the applicant. The applicant may request that the amount of the fee be withheld from the amount otherwise due the individual, and the school district shall withhold the amount only upon the request of the subject individual; and

(h) Identify a procedure that ensures the integrity of fingerprint collection and will prevent any possible compromise of the process.

(3) Fingerprints may be collected by one of the following:

(a) Employing school district staff;

(b) Contracted agent of employing school district;

(c) Local or state law enforcement agency.

(4) School districts shall send to the Department of Education for purposes of a criminal records check any information, including fingerprints for each subject individual defined in this rule immediately following offer and acceptance of employment or contract.

(5) The Department of Education shall request criminal information from the Department of State Police in the manner prescribed by law and may charge the school district a fee not to exceed the actual cost of acquiring and furnishing the information.

(6) The Oregon Department of Education shall review the criminal records of subject individual upon the district's submission of the required FBI and state forms and the State Superintendent of Public Instruction or designee shall issue a statement of criminal history status and related impact on employment or contract qualification. The Superintendent of Public Instruction or designee shall also notify the school district if the subject individual has knowingly made a false statement as to conviction of a crime.

(7) The Oregon Department of Education shall not provide copies of criminal records to anyone except as provided by law. The subject individual may inspect his or her personal criminal records under the supervision of properly certified LEADS (Law Enforcement Data Systems) personnel at the Department of Education.

(8) Subject individuals who refuse to consent to the criminal records check or refuse to be fingerprinted shall be terminated from employment or contract status by the district.

(9) Subject individuals who have been convicted of any of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number, shall be refused continued employment or have employment terminated upon notification from the Superintendent of Public Instruction.

(10) Subject individuals who have been convicted of any of the crimes listed in ORS 161.405 or an attempt to commit any of the crimes listed in section (9) of this rule shall be refused continued employment or have employment terminated upon notification from the Superintendent of Public Instruction.

(11) A school district may terminate the employment of any subject individuals who knowingly makes a false statement as to the conviction of a crime upon notification of the false statement by the Superintendent of Public Instruction.

(12) 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.

(13) Prior to making a determination that results in a notice and opportunity for hearing, the Superintendent of Public Instruction may cause an investigation to be undertaken. Subject individuals and districts shall cooperate with the investigation and may be required to furnish oral or written statements by affidavit or under oath. If the Superintendent of Public Instruction determines through investigation that a violation of this rule has not occurred, a written decision explaining the basis for the decision will be provided to the subject individual.

(14) Applicants may appeal a determination that prevents their employment or eligibility to contract with a school district as a contested case under ORS 183.413 to 183.470 to the Oregon Superintendent of Public Instruction.

(15) Only cards and forms approved by the Department of Education will be accepted. The Department of Education will return any incomplete or incorrectly completed fingerprint cards and associated forms without taking any other action.

(16) The Department of Education shall maintain a record of all properly submitted fingerprint cards. The record shall include at least the following:

(a) Card sequence number;

(b) District submitting the cards;

(c) Date cards and Department form received;

(d) Date completed card sent to Oregon State Police;

(e) Date denial or probationary approval sent to district;

(f) Date FBI card returned to Department; and

(g) Date denial or final approval sent to district.

Stat. Auth.: ORS 326.603

Stats. Implemented: ORS 326.603

Hist.: ODE 25-2008, f. & cert. ef. 9-26-08; ODE 12-2009, f. & cert. ef. 12-10-09; ODE 18-2009, f. & cert. ef. 12-10-09; ODE 2-2012, f. 2-1-12, cert. ef. 2-3-12; ODE 25-2012(Temp), f. 9-13-12, cert. ef. 9-17-12 thru 3-15-13; ODE 5-2013, f. & cert. ef. 1-17-13; ODE 8-2014, f. & cert. ef. 2-19-14

ADMINISTRATIVE RULES

Rule Caption: Poverty Eligibility Determination for Purposes of State School Fund Distribution

Adm. Order No.: ODE 9-2014

Filed with Sec. of State: 2-19-2014

Certified to be Effective: 7-1-14

Notice Publication Date: 1-1-2014

Rules Adopted: 581-023-0102

Subject: The rule addresses how to determine poverty eligibility for purposes of the State School Fund distribution.

Rules Coordinator: Cindy Hunt—(503) 947-5651

581-023-0102

Poverty Eligibility Determination for Purposes of State School Fund Distribution

(1) The following definitions and abbreviations apply to this rule:

(a) “ADM” means Average Daily Membership as defined under ORS 327.006 and OAR 581-023-0006;

(b) “Census Bureau” means the United State Census Bureau;

(c) “SAIPE” means the Small Area Income Poverty Estimate published by the Census Bureau every year and available to the public on the Census Bureau’s website at: <http://www.census.gov/did/www/saipe/>.

(2) Pursuant to ORS 327.013(1)(c)(A)(v)(i) the Department of Education will determine poverty using Census Bureau data and ADM data from the school districts.

(3) The Department will obtain SAIPE data published on the Census Bureau website for all Oregon school districts annually as it is released.

(4) (a) The Department will divide the concurrent year’s ADM data by the total children ages 5 to 17 as reported in the SAIPE data;

(b) For those districts where the ratio of the ADM divided by total children ages 5 to 17 as reported in SAIPE data is greater than 100%, the Department will reduce the ratio to 100%.

(5) The Department will multiply the population ages 5 to 17 in families in poverty as reported by the SAIPE by the percentage calculated above.

(6) The Department will round the resulting product to two decimal places.

(7) The Department will use the final number to calculate weighted average daily membership for poverty pursuant to ORS 327.013(1)(c)(A)(v).

(8) The Department will use the poverty weights determined from the latest SAIPE data to estimate future weighting for poverty until the next SAIPE data is available and annually obtained by the Department.

Stat. Auth.: ORS 327.013 & 327.125

Stats. Implemented: ORS 327.013

Hist.: ODE 9-2014, f. 2-19-14, cert. ef. 7-1-14

Rule Caption: Public Charter Schools

Adm. Order No.: ODE 10-2014

Filed with Sec. of State: 2-19-2014

Certified to be Effective: 2-19-14

Notice Publication Date: 12-1-2013

Rules Adopted: 581-026-0005, 581-026-0055, 581-026-0060, 581-026-0110, 581-026-0125, 581-026-0130

Rules Repealed: 581-020-0341, 581-020-0345

Rules Ren. & Amend: 581-020-0301 to 581-026-0050, 581-020-0331 to 581-026-0065, 581-020-0311 to 581-026-0100, 581-020-0321 to 581-026-0120, 581-020-0334 to 581-026-0200, 581-020-0336 to 581-026-0210, 581-020-0338 to 581-026-0300, 581-020-0342 to 581-026-0305, 581-020-0343 to 581-026-0310, 581-020-0359 to 581-026-0400, 581-020-0361 to 581-026-0405, 581-020-0380 to 581-026-0500, 581-020-0385 to 581-026-0505, 581-020-0390 to 581-026-0510, 581-020-0395 to 581-026-0515

Subject: Amend multiple rules related to public charter schools and create a new division for all rules related to public charter schools.

Rules Coordinator: Cindy Hunt—(503) 947-5651

581-026-0005

Definitions

(1) “Applicant”: An applicant means any person or group that develops and submits a written proposal for a public charter school to a sponsor.

(2) “District School Board”: The board of directors of a common school district or a union high school district (ORS 332.002(1)).

(3) “Public Charter School”: A public charter school means an elementary or secondary school offering a comprehensive instructional program operating under a written agreement entered into between a sponsor and an applicant and operating pursuant to ORS 338.

(4) “Sponsor”: A sponsor of a public charter school means:

(a) The board of the common school district or the union high school district in which the public charter school is located that has developed a written charter with an applicant to create a public charter school.

(b) The State Board of Education pursuant to ORS 338.075.

(c) An institution of higher education pursuant to ORS 338.075.

(5) “Virtual Public Charter School”: A public charter school as defined in ORS 338.005(6) and 581-026-0300.

Stat. Auth.: ORS 338.025

Stats. Implemented: ORS 338

Hist. ODE 10-2014, f. & cert. ef. 2-19-14

581-026-0050

Public Charter School Proposal Submission and Completeness

(1) An applicant must submit proposals to the local school district board and the State Board of Education.

(2) Upon receipt of a proposal from an applicant, the school district board will determine whether the proposal addresses, at least minimally, all of the required components as set out in ORS 338.045(2) and (3). Within 30 business days of the receipt of a proposal, the school district will notify the applicant as to the completeness of the proposal. A proposal that included, for example, a reprinting of the charter school statutes as its response to a required component, would not minimally address that component and would not be complete. A proposal that addressed a required component based on an incorrect budget assumption or in a manner that is unsatisfactory to the local school district would nonetheless be complete.

(a) If the district deems a proposal to be incomplete, the district must identify the specific elements that are not complete and provide a reasonable opportunity to complete the proposal.

(b) The district may disapprove the proposal if the applicant does not provide a proposal that is complete within the reasonable opportunity as provided in subparagraph (a) of this paragraph.

(c) For a proposal that has been disapproved under (b), the applicant may appeal the decision to the State Board of Education within 30 days of the disapproval. The State Board may review the proposal only for completeness and may determine that the proposal is:

(A) Not complete and uphold the decision of the school district board; or

(B) Complete and remand the proposal to the school district for consideration.

(3) The State Board of Education delegates to the Superintendent of Public Instruction or designee all administrative functions necessary or reasonable in order to conduct a timely appeal process. This delegation includes issuing a final order. An order issued by the Superintendent or designee shall be considered an order in other than a contested case under ORS 183.484. The final order shall:

(a) Uphold the decision of the school district board; or

(b) Remand the proposal to the school district for consideration.

(4) The Superintendent shall issue a final order within 30 days of receiving the notice of appeal from the applicant. The Superintendent shall send a copy of the final order to the applicant and the school district.

Stat. Auth.: ORS 338.025

Stats. Implemented: ORS 338.055

Hist.: ODE 13-2000, f. & cert. ef. 5-3-00; ODE 15-2009(Temp), f. & cert. ef. 12-10-09 thru 6-8-10; Administrative correction 6-25-10; ODE 11-2010, f. & cert. ef. 6-30-10; Renumbered from 581-020-0301, ODE 10-2014, f. & cert. ef. 2-19-14

581-026-0055

Public Charter School Proposal Review and Resubmission

(1) Within 60 days after the notification to the applicant of the school district’s receipt of a completed proposal or a final order issued by the Superintendent of Public Instruction remanding the proposal to the school district for consideration, the school district board must hold a public hearing on the proposal in accordance with Oregon public meeting laws (ORS 192.610 through 192.695, 192.710, and 192.990).

(2) The school district board must evaluate the proposal in good faith using the following criteria:

(a) Demonstrated, sustainable support for the public charter school by teachers, parents, students and other community members, including comments received at the public hearing held under subsection (1) above;

(b) Demonstrated financial stability of the public charter school, including the demonstrated ability of the school to have a sound financial management system in place at the time the school begins operating;

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(c) Capability of the applicant, in terms of support and planning, to provide students with comprehensive instructional programs;

(d) Capability of the applicant, in terms of support and planning, to provide academically low achieving students with comprehensive instructional programs;

(e) The adequacy of the information provided as required by ORS 338.45 (2) and (3);

(f) Whether the value of the public charter school is outweighed by any directly identifiable, significant and adverse impact on the quality of the public education of students residing in the school district where the public charter school is located;

(g) Whether there are arrangements for any special education and related services for children with disabilities pursuant to ORS 338.165;

(h) Whether there are alternative arrangements for students and for teachers and other school employees who choose not to attend or who choose not to be employed by the public charter school; and

(i) The prior history, if any, of the applicant in operating a public charter school or in providing educational services.

(3) Within 30 days of the public hearing, the school district board must either approve or deny the proposal. Written notice of the decision must be sent to applicants. Such notice must include reasons and suggestions for remediation for all proposals that are denied. The school district board may provide a reasonable opportunity to resubmit the proposal.

(4) An applicant may amend and resubmit the proposal to the school district board.

(5) The local school board must approve or disapprove the resubmitted proposal within 30 days of receipt.

(6) An applicant whose resubmitted proposal is not approved by the local school board may request a review of that decision by the State Board of Education within 30 days of the disapproval. When the State Board of Education receives an appeal under this subsection, the board may review the resubmitted proposal only to determine whether:

(a) The school district board used the process required by OAR 581-026-0050 and 581-026-0055 in denying the proposal;

(b) The resubmitted proposal meets the criteria described in subsection (2) of this rule; and

(c) The reasons stated by the school district board for the denial are valid and align with the criteria described in subsection (2) of this rule.

(7) The State Board of Education delegates to the Superintendent of Public Instruction or designee all administrative functions necessary or reasonable in order to conduct a timely appeal process. This delegation includes issuing a final order. An order issued by the Superintendent or designee shall be considered an order in other than a contested case under ORS 183.484. The final order shall:

(a) Uphold the decision of the school district board to disapprove the resubmitted proposal; or

(b) Remand the resubmitted proposal to the school district board for reconsideration.

(8) The Superintendent shall issue a final order within 30 days of receiving the notice of appeal from the applicant. The Superintendent shall send a copy of the final order to the applicant and the school district.

Stat. Auth.: ORS 338.025
Stats. Implemented: ORS 338.055
Hist.: ODE 10-2014, f. & cert. ef. 2-19-14

581-026-0060

Public Charter School Proposal Reconsideration

Within 60 days of a final order issued by the Superintendent of Public Instruction remanding the resubmitted proposal to the school district for reconsideration, the school district board must evaluate the resubmitted proposal in good faith using the following criteria:

(1) Demonstrated, sustainable support for the public charter school by teachers, parents, students and other community members, including comments received at the public hearing held under OAR 581-026-0055 (1);

(2) Demonstrated financial stability of the public charter school, including the demonstrated ability of the school to have a sound financial management system in place at the time the school begins operating;

(3) Capability of the applicant, in terms of support and planning, to provide students with comprehensive instructional programs;

(4) Capability of the applicant, in terms of support and planning, to provide academically low achieving students with comprehensive instructional programs;

(5) The adequacy of the information provided as required by ORS 338.045 (2) and (3);

(6) Whether the value of the public charter school is outweighed by any directly identifiable, significant and adverse impact on the quality of

the public education of students residing in the school district where the public charter school is located;

(7) Whether there are arrangements for any special education and related services for children with disabilities pursuant to ORS 338.165;

(8) Whether there are alternative arrangements for students and for teachers and other school employees who choose not to attend or who choose not to be employed by the public charter school; and

(9) The prior history, if any, of the applicant in operating a public charter school or in providing educational services.

(10) The school district board must either approve or deny the resubmitted proposal. Written notice of the decision must be sent to applicants. Such notice must include reasons and suggestions for remediation for all proposals that are denied.

(11) An applicant whose resubmitted proposal that has been reconsidered by the school district board and disapproved, may request the State Board of Education review the decision under the procedure set out in OAR 581-026-0065.

Stat. Auth.: ORS 338.025
Stats. Implemented: ORS 338.055
Hist.: ODE 10-2014, f. & cert. ef. 2-19-14

581-026-0065

Appeal Process

(1) An applicant whose resubmitted proposal to start a public charter school is disapproved following reconsideration may request the State Board of Education review the decision of the school district board within 30 days of the disapproval.

(2) The State Board of Education delegates to the Superintendent of Public Instruction or designee all administrative functions necessary or reasonable in order to conduct review. This delegation to the Superintendent includes, but is not limited to:

(a) Determining the form, contents and timelines of the petition for review;

(b) Determining the records required for review and ordering the production of those records from either the applicant or school district board and establishing timelines for the production of those records;

(c) Requiring the applicant or school district board to respond to written or oral inquiries related to board review; and

(d) Determining at any time during the review process to reject a review request if in the judgment of the Superintendent, the applicant fails to reasonably comply with the administrative review processes of the Superintendent.

(3) The Superintendent may review the decision only to determine whether:

(a) The school district board used the process required OAR 581-026-0060; and

(b) The proposal meets the criteria described in OAR 581-026-0060 (1); and

(c) The reasons stated by the school district board for the denial are valid and align with the criteria described in OAR 581-026-0060 (1).

(10) Following a review described in (9), the State Board of Education may:

(a) Uphold the decision of the school district board to disapprove the resubmitted proposal;

(b) Remand the resubmitted proposal to the school district board for reconsideration if the school district board and the applicant agree to the remand; or

(c) Consider becoming the sponsor of the public charter school if the applicant agrees to the sponsorship.

(4) At the conclusion of the administrative review process the Superintendent shall recommend in writing to the State Board to:

(a) Uphold the decision of the school district board to disapproved the resubmitted proposal; or

(b) Remand the resubmitted proposal to the school district board for reconsideration if the school district board and the applicant agree to the remand; or

(c) Sponsor the public charter school upon the terms in the proposal or upon such other terms specified.

(5) The State Board will consider the recommendation of the Superintendent and any other information it deems relevant and determine based on the requirements of ORS 338 to have the State Board sponsor the public charter school.

(a) If the State Board decides to consider the recommendation of the Superintendent to sponsor the public charter school, the State Board will complete a rigorous evaluation of the proposal as defined in State Board policy.

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(6) The decision of the State Board to uphold the school district board decision to disapprove the resubmitted proposal will be based on substantial evidence in the record and will be made within 75 days of receipt by the State Board of the Superintendent's recommendation, unless extended for good cause.

(7) An applicant may seek judicial review of an order of the State Board of Education pursuant to ORS 183.482.

Stat. Auth.: ORS 326.051 & 338.025

Stats. Implemented: ORS 338.075

Hist.: ODE 13-2000, f. & cert. ef. 5-3-00; ODE 10-2002, f. & cert. ef. 4-12-02; ODE 5-2004(Temp), f. & cert. ef. 3-15-04 thru 9-1-04; Administrative Correction 9-28-04; ODE 21-2012, f. & cert. ef. 8-1-12; Renumbered from 581-020-0331, ODE 10-2014, f. & cert. ef. 2-19-14

581-026-0100

Development and Execution of a Charter

(1) School district boards, the State Board, and Institutions of Higher Education that approve a proposal will be considered the sponsor of the public charter school defined in the proposal.

(2) An applicant whose proposal has been approved by the sponsor must, in cooperation with the sponsor, prepare and execute a charter that addresses, at a minimum, the information that is included in the proposal and:

(a) State any reasonable pre-opening requirements or conditions for the public charter school to ensure they meet all health, safety, and other legal requirements prior to opening and are prepared to open smoothly;

(b) State how the public charter school shall receive any state and federal funds distributed to districts other than the negotiated percentage of the charter school rate as required by ORS 338.155;

(c) Establish the performance standards under which the public charter school will be evaluated, using objective and verifiable measures of student achievement as the primary measure of school quality;

(d) Define the sources of academic data that will form the evidence base for ongoing and renewal evaluation;

(e) Include expectations for appropriate access, education support services, and coordination with the district in which the public charter school is located for students who may qualify for additional education services; and

(f) Include clear, measureable performance standards to judge the effectiveness of mission-specific performance measure and metrics that credibly demonstrate the public charter school's success in fulfilling its mission and serving its students.

(3) Notwithstanding subsection (2), an applicant and sponsor may agree to change elements of the proposal prior to including them in the charter and may agree to exclude elements of the proposal from the charter or to include new elements in the charter by mutual agreement of the school district board and the applicant.

(4) An initial charter may be in effect for no more than five years and may be renewed by the sponsor.

(5) The first renewal of a charter must be for the same number of years as the initial charter.

(6) Subsequent renewals of a charter must be for a minimum of five years but may not exceed 10 years.

(7) A sponsor and the charter school governing body may amend a charter at any time by joint agreement.

Stat. Auth.: ORS 326.051

Stats. Implemented: Ch. 200, OL 1999 (SB 100)

Hist.: ODE 13-2000, f. & cert. ef. 5-3-00; Renumbered from 581-020-0311, ODE 10-2014, f. & cert. ef. 2-19-14

581-026-0110

Public Charter School Mediation Provided by the State Board of Education

(1) If the school district board and the applicant are unable to agree on a change during the proposal or chartering process, the school district board or the applicant may request mediation by the State Board of Education.

(2) The State Board of Education delegates to the Superintendent of Public Instruction or designee all administrative functions necessary or reasonable in order to conduct mediation. The Superintendent or designee shall follow the procedures and timelines required by this rule. This delegation to the Superintendent or designee includes, but is not limited to:

(a) Determining the form, contents, and timelines of the mediation; and

(b) Determining the records required for mediation and ordering the production of those records from the school district board, applicant, or public charter school governing body and establishing timelines for the production of those records.

(3) If the school district board and the applicant are unable to reach an agreement following mediation as provided in this section of rule, the most recent proposal submitted without the change that was the subject of mediation shall be the proposal the school district board and applicant address in the next step of the proposal or chartering process following the point at which mediation began.

Stat. Auth.: ORS 338.025

Stats. Implemented: ORS 338.055

Hist.: ODE 10-2014, f. & cert. ef. 2-19-14

581-026-0120

Charter School Development Timelines

(1) School district boards may develop timelines, policies and procedures for receiving, evaluating and approving or disapproving proposals within the parameters set out in ORS 338.

(2) School district board timelines, policies and procedures for receiving, evaluating and approving or disapproving proposals may require coordination of charter proposal development with the district's budgeting, student enrollment or operational timelines as necessary to demonstrate that the proposed charter school would meet the requirements of ORS 338.

(3) Upon request from a school district, the State Board of Education may extend any timeline required in ORS 338 if the school district board can demonstrate good cause for the extension.

Stat. Auth.: ORS 326.051

Stats. Implemented: Ch. 200, OL 1999 (SB 100)

Hist.: ODE 13-2000, f. & cert. ef. 5-3-00; Renumbered from 581-020-0311, ODE 10-2014, f. & cert. ef. 2-19-14

581-026-0125

Timeline Extensions

Consistent with ORS 326.111, the State Board of Education delegates to the Superintendent of Public Instruction or the Superintendent's designee the authority to grant extensions of timelines. The Superintendent or designee may grant an extension, upon request from a school district, if the district has good cause for requesting an extension of the timeline for:

(1) The charter approval process under ORS 338.055; or

(2) The charter renewal process under ORS 338.065.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 326.111

Hist.: ODE 10-2014, f. & cert. ef. 2-19-14

581-026-0130

Procedure to Waive Certain Provisions of the Charter School Law

(1) A public charter school may petition the State Board of Education for a waiver of any provision of ORS 388. The written petition must specify the reason(s) the charter school is seeking the waiver and any other relevant information.

(2) The public charter school must notify the sponsor if a waiver under this section is being considered. Waivers granted by the State Board to a charter school may require amending the charter under the provisions of OAR 581-026-0100 (7).

(3) The State Board of Education, upon receipt of a waiver petition, will review the petition and may grant the waiver upon a showing that approving the waiver would:

(a) Promote the development of programs by providers;

(b) Enhance the equitable access by underserved families to the public education of their choice;

(c) Extend the equitable access to public support by all students; or

(d) Permit the development of high quality programs of unusual cost.

(4) The State Board of Education may not waive any review provision under the Act or any provision under ORS 338.115(1).

Stat. Auth.: ORS 3263.051

Stats. Implemented: Ch. 200, OL 1999(SB 100)

Hist.: ODE 10-2014, f. & cert. ef. 2-19-14

581-026-0200

Financial Management System

(1) A charter school applicant must include a description of a financial management system within the proposal submitted to the local school district board and the State Board of Education.

(2) A public charter school must have in place a financial management system at the time the school begins operation.

(3) A financial system used by a public charter school must include a budget and accounting system that:

(a) Is compatible with the budget and accounting system of the sponsor of the school;

(b) Complies with the requirements of the uniform budget and accounting system adopted by the State Board of Education under OAR 581-023-0035.

ADMINISTRATIVE RULES

Stat. Auth.: ORS 338.025
Stat. Implemented: ORS 338
Hist.: ODE 11-2010, f. & cert. ef. 6-30-10; ODE 16-2011, f. & cert. ef. 12-15-11;
Renumbered from 581-020-0334, ODE 10-2014, f. & cert. ef. 2-19-14

581-026-0210

Annual Financial Reporting

(1)(a) A public charter school required to comply with ORS 338.035(2)(a)(B) and (C) shall have an annual audit of the accounts of the public charter school prepared in accordance with the Municipal Audit Law, ORS 297.405 to 297.555 and 297.990.

(b) A public charter school that is not required to comply with ORS 338.035(2)(a)(B) and (C) as provided by ORS 338.035(2)(b), must comply with OAR 581-026-0200 and must be included in the audit of the sponsoring district. The district audit for the public charter school must minimally include:

(A) An audit of all accounts and funds associated with the public charter school;

(B) A summary of significant accounting policies, cash and investments, and internal controls; and

(B) A statement of activities and a balance sheet containing a summary of the assets and liabilities of the public charter school as of the closing date of the preceding annual audit period for the school.

(2) After an audit, the public charter school shall forward a copy of the annual audit to the Department of Education.

(3) After an audit, the public charter school shall forward the following to the sponsor:

(a) A copy of the annual audit;

(b) Any statements from the public charter school that show the results of all operations and transactions affecting the financial status of the public charter school during the preceding annual audit period for the school; and

(c) A balance sheet containing a summary of the assets and liabilities of the public charter school as of the closing date of the preceding annual audit period for the school.

Stat. Auth.: ORS 338.025
Stat. Implemented: ORS 338.005
Hist.: ODE 11-2010, f. & cert. ef. 6-30-10; ODE 17-2011, f. 12-15-11, cert. ef. 1-1-12;
Renumbered from 581-020-0336, ODE 10-2014, f. & cert. ef. 2-19-14

581-026-0300

Virtual Public Charter Schools

(1) All statutes and rules that apply to public charter schools also apply to virtual public charter schools. In addition, virtual public charter schools must also meet additional statutory requirements found in ORS Chapter 338.

(2) As used in ORS Chapter 338 and the rules of the State Board of Education, "virtual charter school" means a public charter school that provides online courses. An online course is a course in which:

(a) Instruction and content are delivered primarily on a computer using the internet other electronic network or other technology such as CDs or DVDs;

(b) The student and teacher are in different physical locations for a majority of the student's instructional period while participating in the course;

(c) The online instructional activities are integral to the academic program of the school as described in its charter; and

(d) The student is not required to be located at the physical location of a school while participating in the course.

(3) Notwithstanding subsection (2) of this rule, "virtual public charter school" does not include a public charter school that primarily serves students in a physical location. A charter school is not a virtual public charter school if the schools meet all of the following requirements:

(a) More than 50 percent of the core courses offered by the school are offered at a physical location and are not online courses;

(b) More than 50 percent of the total number of students attending the school are receiving instructional services at a physical location and not in an online course; and

(c) More than 50 percent of the minimum number of instructional hours required to be provided to students by the school under OAR 581-022-1620 during a school year are provided at a physical location and not through an online course.

(4) As used in this rule:

(a) "Core course" means:

(A) English language arts including reading and writing;

(B) Mathematics;

(C) Science;

(D) Social sciences including history, civics, geography and economics

(E) Physical education;

(F) Health

(G) The arts;

(H) World languages and

(I) Career and technical education

(b) "Physical location" means a facility that is owned, leased or otherwise used by a school to deliver educational services. "Physical location" includes, but is not limited to, a school, library, public building or other physical space utilized by the school. "Physical location" does not include a student's home.

(c) "Public charter school" has the meaning given that term in ORS 338.005.

(5) This rule does not apply to programs or courses offered by school districts, education service districts, alternative education programs or the Oregon Virtual School District.

Stat. Auth.: ORS 338.025
Stats. Implemented: ORS 338.005
Hist.: ODE 12-2010, f. & cert. ef. 6-30-10; Renumbered from 581-020-0338, ODE 10-2014, f. & cert. ef. 2-19-14

581-026-0305

Virtual Public Charter School Student Enrollment

(1) As used in this rule:

(a) "Notice" means a written notice that is mailed, faxed, e-mailed or personally delivered by the party required to provide the notice.

(b) "Parent" means parent, legal guardian or person in parental relationship as defined in ORS 339.133.

(c) "Reside in a school district" means the school district in which the student's parent resides.

(d) "School district" means a school district in which more than three percent of the students who reside in the school district are enrolled in one or more virtual public charter schools.

(e) "Student" means a student who seeks to enroll in a virtual public charter school on or after August 2, 2011.

(f) "Virtual public charter school" is as that term is defined in OAR 581-026-0300.

(2) A parent must provide notice to the school district in which the parent resides that the parent intends to enroll a student in a virtual public charter school. Upon receiving the notice, a school district may choose to do nothing further until receiving notice the student is enrolled in the school or if more than three percent of the students who reside in the school district are enrolled in virtual public charter schools not sponsored by the district, the district must provide notice to the parent that the district:

(a) Approves the student for enrollment in the virtual public charter school; or

(b) Does not approve the student for enrollment in the virtual public charter school and provide a copy of this rule and OAR 581-026-0310 to the student and a list of two or more other online options available to the student.

(3) If a parent does not receive a notice of approval or disapproval from a school district under subsection (2) of this rule within 14 days of sending the notice of intent to enroll to the district, the student shall be deemed approved for enrollment by the district.

(4) A parent may appeal a decision of a school district to not approve a student for enrollment to the State Board of Education pursuant to OAR 581-026-0310.

(5) A virtual public charter school may only enroll a student if the school receives evidence the student's parent has notified the resident school district of the student's intent to enroll in the school. A school shall consider any of the following as evidence the resident school district received adequate notice:

(a) A copy of the notice of intent to enroll sent to the district by the parent;

(b) A notice of approval for enrollment from the district; or

(c) A copy of a final order issued by the Superintendent pursuant to OAR 581-026-0310 that finds that the student is approved for enrollment in the school.

(6) A virtual public charter school shall send a list of students to each school district in which a student who is enrolled in the school resides. The list shall be sent monthly when the virtual school is in session.

(7) If a school district chooses to not approve a student for enrollment in a virtual public charter school under this section, the district must have a policy that at a minimum includes the following:

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(a) The annual, semiannual or other date that the school district used to calculate whether or not three percent or more of the students who reside within the district are enrolled in a virtual public charter school.

(b) The description of the data used by the school district to calculate the number of students who reside in the district and the number of students who are enrolled in virtual public charter schools. A school district is only required to use data that is reasonably available to the district including but not limited to:

(A) The number of students enrolled in the schools of the school district;

(B) The number of students enrolled in public charter schools located in the school district;

(C) The number of students enrolled in virtual public charter schools;

(D) The number homeschooled students who reside within the district and who have registered with an education service district; and

(E) The number of students enrolled in private schools located within the school district.

Stat. Auth.: ORS 338.025

Stats. Implemented: ORS 338.125

Hist.: ODE 11-2011(Temp), f. & cert. ef. 8-23-11 thru 2-19-12; ODE 19-2011, f. & cert. ef. 12-15-11; Renumbered from 581-020-0342, ODE 10-2014, f. & cert. ef. 2-19-14

581-026-0310

Virtual Public Charter School Student Enrollment Appeal Procedure

(1) The State Board of Education delegates to the Superintendent of Public Instruction or designee all administrative functions necessary or reasonable in order to conduct a timely appeal process. This delegation including issuing a final order. An order issued by the Superintendent or designee shall be considered an order in other than a contested case under ORS 183.484.

(2) A parent may appeal a decision of a school district to not approve enrollment of a student in a virtual public charter school under OAR 581-026-0305 by sending a notice of appeal in writing by mail, fax or e-mail or by personally delivering a copy to the Superintendent of Public Instruction. The notice must be received by the Superintendent within 10 days of the date on which the parent received notice from the district, the district did not approve enrollment of a student in a virtual public charter school. The parent must also provide a copy of the notice of appeal and any other supporting documents included with the notice to the school district prior to sending the notice of appeal to the Superintendent or within 24 hours of when the parent sent or delivered the notice of appeal to the Superintendent.

(3) The notice of appeal must include:

(a) The parent and student's name and contact information.

(b) The name of the resident school district.

(c) The name of the virtual public charter school in which the student wants to enroll.

(d) A copy of the notice of intent to enroll provided by the parent to the school district.

(e) A copy of the notice of disapproval of enrollment received by the parent from the school district.

(f) The reason for the appeal and any supporting documents including evidence the parent would like considered as part of the appeal.

(4) A school district upon receiving a notice of appeal from a parent may file a reply to the notice with the Superintendent. The reply must be received by the Superintendent within 10 days of when the school district received a copy of the notice of appeal from the parent. The school district shall provide a copy of the reply and any supporting documents included with the reply to the parent.

(5) The Superintendent shall overturn the decision of the school district to not approve the enrollment of the student if the Superintendent determines that:

(a) The school in which the student intends to enroll is not a virtual public charter school.

(b) The resident school district does not have more than three percent of the resident students of the district enrolled in virtual public charter schools not sponsored by the district.

(c) The parent did not receive the notice of disapproval from the district within 14 days of when the parent sent the district the notice of intent to enroll.

(6) The Superintendent may consider the following in deciding whether to uphold or overturn a decision of the school district to not approve the enrollment of a student:

(a) The health and safety of the student.

(b) The student's educational needs and interests.

(c) The availability of other online options to the student.

(d) Any other information that the Superintendent deems relevant to the decision.

(7) The Superintendent shall issue a final order within 30 days of receiving the notice of appeal from the parent. The Superintendent shall send a copy of the final order to the parent, the school district and the virtual public charter school.

Stat. Auth.: ORS 338.025

Stats. Implemented: ORS 338.125

Hist.: ODE 11-2011(Temp), f. & cert. ef. 8-23-11 thru 2-19-12; ODE 19-2011, f. & cert. ef. 12-15-11; Renumbered from 581-020-0343, ODE 10-2014, f. & cert. ef. 2-19-14

581-026-0400

Process to Renew Charter

(1) A public charter school governing body must request renewal of the charter (contract) by the sponsor in writing at least 180 days before expiration of the charter.

(2) When a sponsor has received a written request from a public charter school governing body, the sponsor must schedule and hold a public hearing on the renewal request within 45 days from the receipt of the request for renewal.

(3) Within 30 days after the public hearing, the sponsor must either:

(a) Renew the charter; or

(b) State in writing the reasons for denying the renewal of the charter.

(4)(a) A sponsor must base its decision to renew or not renew a charter on a good faith evaluation of whether the charter school:

(A) Is in compliance with state and federal laws;

(B) Is in compliance with the terms of the prior charter;

(C) Is meeting or working toward meeting the student performance goals and agreements specified in the charter or any other written agreements between the sponsor and the public charter school governing body;

(D) Is fiscally stable and evidence that a sound financial management system described in the proposal submitted under ORS 338.045 and incorporated into the written charter was used; and

(E) Is in compliance with any renewal criteria specified in the previous charter, if any.

(b) As used in this section, "good faith evaluation" means an evaluation of all criteria required by this section resulting in a conclusion that a reasonable person would come to who is informed of the law and the facts before that person.

(5) The sponsor must base the evaluation described in subsection (4) of this rule primarily on a review of the public charter school's annual performance reports, annual audit of accounts and annual site visit and review as required by ORS 338.095 and any other information mutually agreed upon by the public charter school governing body and the sponsor.

(6)(a) If the sponsor renews the charter, the sponsor and public charter school governing body shall negotiate in good faith a new charter within 90 days after the date on which the sponsor approved the renewal of the charter, unless both parties agree to an extension of time.

(b) If the sponsor and the charter school governing body have not executed a new charter agreement within 90 days after the date on which the sponsor approved the renewal of the charter or an alternative date agreed to by both parties, the expiring charter shall remain in effect until a new charter is negotiated.

(c) As used in this section, "negotiate in good faith" means to negotiate with an honest exchange of the facts of the matters under consideration with a view to obtaining agreement of each of the parties involved.

(7) If the sponsor does not renew the charter, the public charter school governing body may address the reasons for nonrenewal and resubmit its request to the sponsor within 30 days after the date on which the sponsor notified the public charter school governing body of the decision not to renew the charter. If a sponsor receives a revised request under this section, the sponsor shall review the request using the process required by subsections (2) to (6) of this rule. A public charter school governing board may only submit a revised request once under this section unless otherwise specified by the sponsor.

(8) Notwithstanding subsections (1) to (7) of this rule, a sponsor and a public charter school governing body may agree in the charter of the school to a timeline for renewing the charter that is different from the timeline required by subsections (1) to (7) of this rule.

(9) The State Board of Education delegates to the Superintendent of Public Instruction or designee all administrative functions necessary or reasonable in order to determine if the charter of a school sponsored by the state board should be renewed. The Superintendent or designee shall follow the procedures and timelines required by this rule. This delegation to the Superintendent or designee includes, but is not limited to:

(a) Determining the form, contents, and timelines of the renewal;

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(b) Determining the records required for determining the renewal and ordering the production of those records from the public charter school governing body and establishing timelines for the production of those records;

(c) Requiring the charter school governing body to respond to written or oral inquiries related to the sponsorship;

(d) Delegating the sponsorship function to Department of Education staff or a hearings officer to conduct a hearing and to issue a proposed order; and

(e) Issuing a final order.

(10) If the sponsor does not renew the charter based on the revised request for renewal submitted under subsection (7) of this rule, the public charter school governing body may:

(a) If the sponsor is a school district, appeal the decision of the sponsor to the State Board of Education under OAR 581-026-0405.

(b) If the sponsor is the State Board of Education, seek judicial review of the final order under ORS 183.484.

Stat. Auth.: ORS 338.025

Stats. Implemented: ORS 338.065

Hist.: ODE 9-2008, f. & cert. ef. 3-21-08; ODE 15-2009(Temp), f. & cert. ef. 12-10-09 thru 6-8-10; Administrative correction 6-25-10; ODE 11-2010, f. & cert. ef. 6-30-10; ODE 35-2013, f. & cert. ef. 12-18-13; Renumbered from 581-020-0359, ODE 10-2014, f. & cert. ef. 2-19-14

581-026-0405

Appeal of Sponsor's Decision Not to Renew a Charter

(1) Within 30 days of receiving notice from a sponsor that the sponsor has decided not to renew the charter (contract) based on a revised request for renewal, a public charter school governing body may request the State Board of Education review the decision by the sponsor not to renew a charter. Any notice of a request for State Board review must be made in writing and be delivered to the State Board of Education and the business address of the sponsor.

(2) The decision of a sponsor not to renew a charter must be based on a good faith evaluation of the factors set out in ORS 338.065(6) and must utilize the process set out in 338.065(4) and OAR 581-026-0400.

(3) The State Board, State Superintendent or designee will review the decision of a sponsor not to renew a charter for compliance with the requirements of subsection (2) of this rule.

(4) The State Board of Education delegates to the Superintendent of Public Instruction or designee all administrative functions necessary or reasonable in order to conduct a timely review of the decision of the sponsor to not renew a charter. This delegation to the Superintendent includes, but is not limited to:

(a) Determining the form, contents, and timelines of the petition for review;

(b) Determining the records required for review and ordering the production of those records from either the public charter school governing body or school district board and establishing timelines for the production of those records;

(c) Requiring the public charter school governing body or school district board to respond to written or oral inquiries related to board review;

(d) Delegating the review function to department staff or a hearings officer conduct the review and issue a proposed order; and

(e) Issuing a final order.

(5) If the State Superintendent or designee finds that the sponsor made the decision to not renew a charter based on a good faith evaluation of the factors set out in ORS 338.065(6) and utilized the process set out in 338.065(4), a final order will be issued to uphold the decision of the sponsor.

(6) If the State Superintendent or designee finds that the sponsor did not make the decision to not renew a charter based on a good faith evaluation of the factors set out in ORS 338.065(6), did not utilize the process set out in 338.065(4) or both, a final order will be issued to order the sponsor to reconsider the request for renewal utilizing the process and requirements set out in OAR 581-026-0400.

(7) The State Superintendent or designee shall issue the final order within 60 days from the receipt of the request for review, unless both parties agree to a different timeline.

(8) If a school district on reconsideration ordered under subsection (6) of this rule does not renew the charter, the sponsor's decision may be appealed under the provisions of ORS 183.484.

(9) A charter school that requested renewal of its charter by the sponsor in writing at least 180 days before expiration of the charter shall remain open under the terms of its charter, unless otherwise agreed to by the charter school and the sponsor, until one or more of the following occurs:

(a) The sponsor and the charter school execute a new charter.

(b) The sponsor denies the renewal of the charter and the time period for the charter school to resubmit a renewal request or appeal the decision to the State Board of Education has lapsed.

(c) The State Superintendent or designee issues a final order to uphold the decision of the sponsor to not renew.

(d) The State Superintendent or designee issues a final order that orders the school district to reconsider the decision to non-renew and the school district again notifies the charter school of a nonrenewal.

(e) A court orders the closure of the school.

(f) The charter of the school is terminated under ORS 338.105 and OARs 581-026-0500 and 581-026-0505.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 338.065

Hist.: ODE 9-2008, f. & cert. ef. 3-21-08; Renumbered from 581-020-0361, ODE 10-2014, f. & cert. ef. 2-19-14

581-026-0500

Process for Sponsor to Terminate Charter

(1) A sponsor may terminate a charter for failure to:

(a) Meet the terms of the approved charter or any requirement of ORS Chapter 338, unless waived by the State Board of Education;

(b) Meet the requirements for student performance as established in the approved charter;

(c) Correct any violation of a federal or state law described in ORS 338.115;

(d) Maintain insurance as described in the approved charter;

(e) Maintain financial stability; or

(f) If the charter is terminated on or after July 1, 2011, failure to maintain, for one or more consecutive years, a sound financial management system described in the proposal submitted under ORS 338.045 and incorporated into the written charter under 338.065.

(2) A sponsor intending to terminate an approved charter must:

(a) Notify the public charter school governing body in writing at least 60 calendar days prior to the proposed effective date of the termination;

(b) Include in the notification the grounds for the termination; and

(c) Deliver the notice to the business address of the charter school.

(3) If the grounds for termination include failure to maintain financial stability or failure to maintain a sound financial management system, the sponsor and the public charter school may agree to develop a plan to correct deficiencies. The plan must be finalized and agreed upon within 30 days of the notice of termination. Under a plan to correct deficiencies:

(a) The sponsor shall identify a date at least 60 days from the date of the notice by which the public charter school may attempt to correct any deficiencies related to financial stability or to a sound financial management system. The deadline identified in the plan to correct deficiencies may be extended by mutual agreement of the sponsor and the public charter school;

(b) The proposed effective date of the termination may be extended to the date identified under subparagraph (a) of this paragraph.

(c) The sponsor may withhold up to 50 percent of the moneys owed to the public charter school while the public charter school is on the plan to correct deficiencies unless the withholding would create undue hardship. The sponsor shall indicate if it plans to withhold moneys within 10 days of the notice of termination.

(A) For the purpose of this section, "undue hardship" shall be defined as a significant and limiting factor in the public charter school's ability to continue operating through the duration of the plan to correct deficiencies under subparagraph (a) of this paragraph and project a positive ending fund balance for 2 consecutive fiscal years following compliance with the plan.

(B) A public charter school attempting to prove undue hardship must provide the following evidence to the sponsor within 20 days of the notice of termination:

(i) A current balance sheet;

(ii) A current profit and loss statement;

(iii) All current financial statements showing assets and liabilities; and

(iv) Any other financial documents requested by the sponsor related to the financial operation of the public charter school.

(C) The sponsor must evaluate the public charter school's evidence of undue hardship and determine whether or not to withhold any moneys within 10 days of receiving the evidence from the public charter school. If the sponsor plans to withhold moneys, the sponsor shall indicate in the plan to correct deficiencies the terms of any withholding of moneys.

(d) The sponsor must hold in trust any moneys withheld under subparagraph (c) of this paragraph until:

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(A) The public charter school complies with the plan to correct deficiencies, at which time the public charter school is entitled to the moneys held in trust; or

(B) The public charter school fails to comply with the plan to correct deficiencies, at which time the charter is terminated and the public charter school forfeits any claim to the moneys held in trust.

(e) The sponsor shall apply any moneys withheld under subparagraph (c) of this paragraph if the public charter school is terminated to the debts of the public charter school. Any remaining moneys shall be returned to the state.

(4) The governing body of a public charter that has received notice from the sponsor of the sponsor's intent to terminate the charter may request a hearing by the sponsor related to a termination of the charter or a plan to correct deficiencies. Such a request must be made in writing and be delivered to the business address of the sponsor. Within 30 days of receiving the request for a hearing, the sponsor must provide the public charter school with the opportunity for a hearing.

(5) Following a notice of termination or completion of the plan to correct deficiencies, the sponsor of a public charter school shall make a final decision whether to terminate the public charter school.

(a) If the sponsor is a school district board or the State Board, the decision must be made at a public meeting.

(b) If the sponsor is an institution of higher education, the decision must be made as defined by the institution's rules or policy.

(6) If the sponsor reasonably believes that a public charter school is endangering the health or safety of the students enrolled in the public charter school, the sponsor may act to immediately terminate the approved charter and close the public charter school without providing the notice requirements set out in subsection (4) of this rule.

(7) The governing body of a public charter that is closed under the provisions of subsection (6) of this rule may request a hearing by the sponsor. Such a request must be made in writing and be delivered to the business address of the sponsor. Within 10 days of receiving the request for a hearing, the sponsor must provide the public charter school with the opportunity for a hearing on the termination.

(8) Nothing in this rule should be construed as limiting the ability of a sponsor and a public charter school to include in the charter a procedural requirement for alternative dispute resolution prior to invoking the termination process.

Stat. Auth.: ORS 326.051
Stats. Implemented: ORS 338.105
Hist.: ODE 19-2002, f. & cert. ef. 8-2-02; ODE 11-2010, f. & cert. ef. 6-30-10; Renumbered from 581-020-0380, ODE 10-2014, f. & cert. ef. 2-19-14

581-026-0505 Process to Appeal Decision by Sponsor to Terminate Charter

(1) A public charter school governing body may request the State Board of Education review the decision to terminate a charter. The State Board of Education's review shall be limited to the grounds for termination as stated by the school district board or sponsor or a plan to correct deficiencies. Any notice of a request for State Board review must be made in writing and be delivered to the State Board of Education and the business address of the sponsor.

(2) The State Board of Education delegates to the Superintendent of Public Instruction or designee all administrative functions necessary or reasonable in order to conduct a timely review. This delegation to the Superintendent includes, but is not limited to:

(a) Determining the form, contents, and timelines of the petition for review;

(b) Determining the records required for review and ordering the production of those records from either the public charter school governing body or school district board and establishing timelines for the production of those records;

(c) Requiring the public charter school governing body or school district board to respond to written or oral inquiries related to board review;

(d) Delegating the review function to a hearings officer to hold a contested case hearing under ORS 183.411 through 183.470 and issue a proposed order; and

(e) Issuing a final order that may be appealed under the provisions of ORS 183.482.

(3) The State Board, or its designee, will where possible, issue its final order within 60 days from the sponsor's notification of intent to terminate as required in ORS 338.105(2). If it is not possible to issue the final order within 60 days, the charter school shall remain open pending issuance of the final order.

(4) The governing body of a public charter school that is closed under the provisions of ORS 338.105(4) may request the State Board of Education, or its designee, to review the decision of the sponsor to terminate the charter and close the public charter school. The State Board of Education, or its designee, will hold a hearing within 10 days of receiving the request for review. The review under this section will be accomplished under the provisions of subsection (2) of this rule and under the timelines set out in ORS 338.105(4) and, to the extent practicable, subsection (3) of this rule.

Stat. Auth.: ORS 326.051
Stats. Implemented: ORS 338.105
Hist.: ODE 19-2002, f. & cert. ef. 8-2-02; Renumbered from 581-020-0385, ODE 10-2014, f. & cert. ef. 2-19-14

581-026-0510 Process for Charter School Governing Body to Terminate Charter and Dissolve Public Charter School

The governing body of a public charter school may only terminate, dissolve or close an operating public charter school at the end of a semester. The governing body must provide the sponsor with notice of the intent to terminate the charter, and close and dissolve the public charter school, at least 180 days before the proposed date of termination, closure and dissolution. Such notice must be made in writing and be delivered to the business address of the sponsor.

Stat. Auth.: ORS 326.051
Stats. Implemented: ORS 338.105
Hist.: ODE 19-2002, f. & cert. ef. 8-2-02; Renumbered from 581-020-0390, ODE 10-2014, f. & cert. ef. 2-19-14

581-026-0515 Distribution of Assets of a Terminated or Dissolved Public Charter School

(1) Assets of a terminated, closed or dissolved public charter school that were obtained with public funds will be given to the State Board of Education. The State Board of Education, at its discretion, may disburse these assets to school districts or to other public charter schools.

(2) Assets of a terminated, closed or dissolved public charter that were obtained with grant funds will be disbursed according to the terms of the grant. If the grant is absent any reference to ownership or distribution of assets, assets of a terminated, closed or dissolved public charter school will be disbursed according to the provision set out in subsection (1) of this rule.

Stat. Auth.: ORS 326.051
Stats. Implemented: ORS 338.015
Hist.: ODE 19-2002, f. & cert. ef. 8-2-02; Renumbered from 581-020-0395, ODE 10-2014, f. & cert. ef. 2-19-14

Rule Caption: Fingerprinting of Subject Individuals Employed by Private Schools

Adm. Order No.: ODE 11-2014

Filed with Sec. of State: 2-19-2014

Certified to be Effective: 2-19-14

Notice Publication Date: 12-1-2013

Rules Amended: 581-045-0586

Subject: The rules remove specific references to crimes listed in ORS 342.143 that if a person is convicted of a crime a school may choose to not employ or contract with the person.

Rules Coordinator: Cindy Hunt—(503) 947-5651

581-045-0586

Fingerprinting of Subject Individuals Employed by Private Schools in Positions Not Requiring Licensure as Teachers, Administrators, Personnel Specialists, School Nurses

(1) Definitions of terms shall be as follows:

(a) "Subject individual" means:

(A) A person employed by a Private School in a position not requiring licensure under ORS 342.223; and

(B) Any person newly hired as or by a contractor into a position having direct, unsupervised contact with students and not requiring licensure under ORS 342.223.

(b) "Direct, unsupervised contact with students" means contact with students that provides the person opportunity and probability for personal communication or touch when not under direct supervision;

(c) "Fee" means the total charges assessed. Fees shall be paid to the Oregon Department of Education with submission of fingerprint cards and associated form. The fee amount and distribution shall be as follows:

(A) Oregon State Police (OSP) — \$28;

(B) Federal Bureau of Investigation (FBI) — \$16.50;

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(C) Oregon Department of Education — \$14.50;

(D) TOTAL — \$59.

(d) “Information to be required” means all information requested by the Oregon Department of Education for processing the fingerprint application, including the following:

(A) One properly completed FBI fingerprint cards #USGPO 1990-262-201-2000; and

(B) A properly completed Department of Education form #581-2283-M.

(e) “Convictions of crimes prohibiting employment, contract or assignment by a contractor” means, notwithstanding any other statutes or Oregon administrative rule, conviction of a crime listed in ORS 342.143, or making a false statement as to the conviction of a crime;

(f) “Applicant” means a subject individual for whom fingerprint cards and other required information have been submitted to the Oregon Department of Education for a criminal history check and review;

(g) “Knowingly made a false statement” means that a subject individual has failed to disclose a crime on the Department of Education form #581-2283-M as part of the criminal background check process.

(h) “Private School” means a school that:

(A) Offers education in prekindergarten, kindergarten or grades 1 through 12, or any combination of those grade levels; and

(B) Provides instructional programs that are not limited solely to dancing, drama, music, religious or athletic instruction.

(2) A private school may request that Department of Education conduct a criminal records check of a subject individual. Upon receipt of the information, the Department shall request criminal information from the Department of State Police in the manner prescribed by law and may charge the private school a fee not to exceed the actual cost of acquiring and furnishing the information.

(3) The Oregon Department of Education shall review the criminal records of subject individual upon the private school’s submission of the required FBI and state forms and the State Superintendent of Public Instruction or designee shall issue a statement of criminal history status. The Superintendent of Public Instruction or designee shall notify the private school if the subject individual has knowingly made a false statement as to conviction of a crime. A private school may choose to employ or contract with a person who has knowingly made a false statement as to conviction of a crime.

(4) The Oregon Department of Education shall not provide copies of criminal records to anyone except as provided by law. The subject individual may inspect his or her personal criminal records under the supervision of properly certified LEDS (Law Enforcement Data Systems) personnel at the Department of Education.

(5) The Superintendent of Public Instruction or designee shall notify the private school if the subject individual has been convicted of a crime listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number. A private school may choose to employ or contract with a person who has been convicted of a crime listed in ORS 342.143 or the substantial equivalent.

(6) Only cards and forms approved by the Department of Education will be accepted. The Department of Education will return any incomplete or incorrectly completed fingerprint cards and associated forms without taking any other action. The Department of Education will return fingerprint cards and associated forms without appropriate fees without taking any other action.

(7) The Department of Education shall maintain a record of all properly submitted fingerprint cards. The record shall include at least the following:

- (a) Card sequence number;
- (b) Name of Private School submitting the cards;
- (c) Date cards and Department form received;
- (d) Date incomplete card returned to the school (only if applicable);
- (e) Date completed card sent to Oregon State Police;
- (f) Date private school was notified of state police record or lack of record;

- (g) Date FBI card returned to Department;
- (h) Date private school was notified of FBI record or lack of record.

Stat. Auth.: ORS 326.603
Stats. Implemented: ORS 326.603
Hist.: EB 16-1997, f. & cert. ef. 12-29-97; ODE 29-1999, f. 12-13-99, cert. ef. 12-14-99; ODE 13-2003(Temp), f. & cert. ef. 7-1-03 thru 12-15-03; Administrative correction 8-2-04; ODE 9-2006, f. & cert. ef. 2-21-06; Renumbered from 581-022-1732, ODE 25-2008, f. & cert. ef. 9-26-08; ODE 27-2009, f. & cert. ef. 12-10-09; ODE 7-2012, f. 2-1-12, cert. ef. 2-3-12; ODE 28-2012(Temp), f. 9-13-12, cert. ef. 9-17-12 thru 3-15-13; ODE 4-2013, f. & cert. ef. 1-17-13; ODE 11-2014, f. & cert. ef. 2-19-14

Rule Caption: Repeals rule relating to athlete agents

Adm. Order No.: ODE 12-2014

Filed with Sec. of State: 2-19-2014

Certified to be Effective: 2-19-14

Notice Publication Date: 12-1-2013

Rules Repealed: 581-054-0007

Subject: Repeals rule relating to athlete agents which is duplicative of state statute and unnecessary.

Rules Coordinator: Cindy Hunt—(503) 947-5651

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Rule Caption: Physical Restraint and Seclusion

Adm. Order No.: ODE 13-2014

Filed with Sec. of State: 2-19-2014

Certified to be Effective: 2-19-14

Notice Publication Date: 11-1-2013

Rules Adopted: 581-021-0568, 581-021-0569, 581-021-0570

Rules Amended: 581-021-0550, 581-021-0553, 581-021-0556, 581-021-0559, 581-021-0563, 581-021-0566

Subject: These rules implement legislation adopted by the 2013 Legislature relating to restraint and seclusion of K-12 students.

Rules Coordinator: Cindy Hunt—(503) 947-5651

581-021-0550

Definitions

As used in OAR 581-021-0550 to 581-021-0570:

(1) ‘Chemical restraint’ means a drug or medication that is used on a student to control behavior or restrict freedom of movement and that is not:

(a) Prescribed by a licensed physician or other qualified health professional acting under the professional’s scope of practice for standard treatment of the student’s medical or psychiatric condition;

(b) Administered as prescribed by a licensed physician or other qualified health professional acting under the professional’s scope of practice.

(2) ‘Mechanical restraint’ means a device used to restrict the movement of a student or the movement or normal function of a portion of the body of a student. ‘Mechanical restraint’ does not include:

(a) A protective or stabilizing device ordered by a licensed physician; or

(b) A vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.

(3) ‘Physical restraint’ means the restriction of a student’s movement by one or more persons holding the student or applying physical pressure upon the student.

(a) ‘Physical restraint’ does not include the touching or holding of a student without the use of force for the purpose of directing the student or assisting the student in completing a task or activity;

(b) ‘Physical restraint’ does not include prone restraint as defined in ORS 339.288.

(4) ‘Prone restraint’ means a restraint in which a student is held face down on the floor.

(5) ‘Public education program’ means a program that:

(a) Is for students in early childhood education, elementary school or secondary school;

(b) Is under the jurisdiction of a school district, an education service district or another educational institution or program; and

(c) Receives, or serves students who receive, support in any form from any program supported, directly or indirectly, with funds appropriated to the Department of Education.

(6) ‘Seclusion’ means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving. ‘Seclusion’ does not include the removal of a student for a short period of time to provide the student with an opportunity to regain self-control if the student is in a setting from which the student is not physically prevented from leaving.

(7) ‘Seclusion cell’ means a freestanding, self-contained unit that is used to:

(a) Isolate the student from other students; or

(b) Physically prevent a student from leaving the unit or cause the student to believe that the student is physically prevented from leaving the unit.

(8) ‘Serious bodily injury’ means any significant impairment of the physical condition of a person, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 339.285 - 339.303

Hist.: ODE 12-2012, f. 3-30-12, cert. ef. 5-1-12; ODE 13-2014, f. & cert. ef. 2-19-14

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581-021-0553

Use of Physical Restraint and Seclusion in Public Education Programs

(1) The use of a chemical restraint, mechanical restraint or prone restraint on a student in a public education program in this state is prohibited.

(2) The use of physical restraint or seclusion on a student in a public education program in this state is prohibited unless used as provided in ORS 339.291, which includes the following:

(a) Physical restraint or seclusion may be used on a student in a public education program only if:

(A) The student's behavior imposes a reasonable threat of imminent, serious bodily injury to the student or others; and

(B) Less restrictive interventions would not be effective.

(b) Physical restraint or seclusion may not be used for discipline, punishment or convenience of personnel of the public education program.

(c) If physical restraint or seclusion is used on a student, the physical restraint or seclusion must be:

(A) Used only for as long as the student's behavior poses a reasonable threat of imminent, serious bodily injury to the student or others;

(B) Imposed by personnel of the public education program who are:

(i) Trained to use physical restraint or seclusion through programs approved by the Department of Education under OAR 581-021-0563; or

(ii) Otherwise available in the case of an emergency circumstance when trained personnel are not immediately available due to the unforeseeable nature of the emergency circumstance.

(C) Continuously monitored by personnel of the public education program for the duration of the physical restraint or seclusion.

(3) If physical restraint or seclusion continues for more than 30 minutes:

(a) The student must be provided with adequate access to the bathroom and water every 30 minutes;

(b) Personnel of the public education program must immediately attempt to verbally or electronically notify a parent or guardian of the student; and,

(c) Every 15 minutes after the first 30 minutes of the physical restraint or seclusion, an administrator for the public education program must provide written authorization for the continuation of the physical restraint or seclusion, including providing documentation for the reason the physical restraint or seclusion must be continued.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 339.285 - 339.303

Hist.: ODE 12-2012, f. 3-30-12, cert. ef. 5-1-12; ODE 13-2014, f. & cert. ef. 2-19-14

581-021-0556

Program's Procedures Regarding Physical Restraint & Seclusion

(1) Each entity that has jurisdiction over a public education program must establish procedures for the public education program to follow after an incident involving the use of physical restraint or seclusion.

(2) Following an incident involving the use of physical restraint or seclusion, the following must be provided to a parent or guardian of the student:

(a) Verbal or electronic notification of the incident by the end of the school day when the incident occurred;

(b) Written documentation of the incident within 24 hours of the incident that provides a description of the physical restraint or seclusion including:

(A) The date of the physical restraint or seclusion;

(B) The times when the physical restraint or seclusion began and ended;

(C) The location of the physical restraint or seclusion;

(D) A description of the student's activity that prompted the use of physical restraint or seclusion;

(E) The efforts used to de-escalate the situation and the alternatives to physical restraint or seclusion that were attempted;

(F) The names of the personnel of the public education program who administered the physical restraint or seclusion;

(G) A description of the training status of the personnel of the public education program who administered the physical restraint or seclusion, including any information that may need to be provided to the parent or guardian; and,

(H) Timely notification of a debriefing meeting to be held and of the parent's or guardian's right to attend the meeting.

(3) If the personnel of the public education program who administered the physical restraint or seclusion had not received training from a program approved by the Department of Education, as required and in accordance with OAR 581-021-0563, the administrator of the public edu-

cation program shall ensure that a parent or guardian of the student and the district superintendent receive written notification of:

(a) The lack of training; and

(b) The reason the physical restraint or seclusion was administered by a person without training.

(4) A debriefing meeting related to the use of physical restraint or seclusion must be held within two school days of the incident and must include all personnel of the public education program who were involved in the incident and any other appropriate personnel. Written notes must be taken of the debriefing meeting, and a copy of the written notes must be provided to a parent or guardian of the student.

(5) If a student is involved in five incidents in a school year involving physical restraint or seclusion, a team consisting of personnel of the public education program and a parent or guardian of the student must be formed for the purposes of reviewing and revising the student's behavior plan and ensuring the provision of any necessary behavioral supports.

(6) If serious bodily injury or death of a student occurs in relation to the use of physical restraint or seclusion, written notification of the incident must be provided by the public education providers within 24 hours of the incident to the Department of Human Services.

(7) If serious bodily injury or death of personnel of the public education program occurs in relation to the use of physical restraint or seclusion, written notification of the incident must be provided within 24 hours of the incident to the district superintendent and, if applicable, to the union representative for the affected party.

(8) Each public education program must maintain a record of each incident in which injuries or death occurs in relation to the use of physical restraint or seclusion.

(9) As indicated, per ORS 161.205 and 339.250, an individual who is a teacher, administrator, school employee or school volunteer may use reasonable physical force upon a student when and to the extent the application of force is consistent with Section 3, chapter 665, Oregon Laws 2011 (Enrolled House Bill 2939) and OAR 581-021-0553.

(10) The district school board shall adopt written policies to implement Physical Restraint & Seclusion procedures consistent with and as indicated in chapter 665, Oregon Laws 2011 (Enrolled House Bill 2939), ORS 339.250 and OARs 581-021-0550 to 581-021-0570, and shall inform teachers, administrators, school employees and school volunteers.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 339.285 - 339.303

Hist.: ODE 12-2012, f. 3-30-12, cert. ef. 5-1-12; ODE 13-2014, f. & cert. ef. 2-19-14

581-021-0559

Reporting Requirements for the Use of Physical Restraint & Seclusion

(1) Each entity that has jurisdiction over a public education program must prepare and submit to the Superintendent of Public Instruction an annual report detailing the use of physical restraint and seclusion for the preceding school year, including, at a minimum:

(a) The total number of incidents involving physical restraint;

(b) The total number of incidents involving seclusion;

(c) The total number of seclusions in a locked room;

(d) The total number of students placed in physical restraint;

(e) The total number of students placed in seclusion;

(f) The total number of seclusion rooms available; and a description, including the location of those rooms, designated solely for seclusion;

(g) The total number of incidents that resulted in injuries or death to students or personnel as a result of the use of physical restraint or seclusion;

(h) The number of students who were placed in physical restraint or seclusion more than 10 times in the course of a school year and an explanation of what steps have been taken by the public education program to decrease the use of physical restraint and seclusion for each student;

(i) The number of incidents in which the personnel of the public education program administering physical restraint or seclusion were not trained; and

(j) The demographic characteristics of all students upon whom physical restraint or seclusion was imposed, including race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, unless the demographic information would reveal personally identifiable information about an individual student.

(2) Each entity that has jurisdiction over a public education program shall make its annual report about physical restraint and seclusion available to:

(a) The public at the entity's main office and the website of the entity;

(b) The school board or governing body overseeing the entity;

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(c) If the entity is an education service district, the component school districts of the education service district;

(d) If the entity is a public charter school, the sponsor of the public charter school;

(e) Parents and guardians of students in a public education program, who shall be advised at least once each school year about how to access the report.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 339.285 - 339.303

Hist.: ODE 12-2012, f. 3-30-12, cert. ef. 5-1-12; ODE 13-2014, f. & cert. ef. 2-19-14

581-021-0563

Approval of Physical Restraint and Seclusion Training Programs for School Staff

(1) The Department of Education shall approve training programs in physical restraint and seclusion that:

(a) Teach evidence-based techniques that are shown to be effective in the prevention and safe use of physical restraint or seclusion;

(b) Provide evidence-based skills training related to positive behavior support, conflict prevention, de-escalation and crisis response techniques; and

(c) Are consistent with the philosophies, practices and techniques for physical restraint and seclusion that are established by rule or policy of the Department of Human Services.

(2) A training program seeking approval must submit in writing to the Oregon Department of Education that meets the expectations subsection (1) of this rule.

(3) Training programs approved remain in effect unless significant changes are made to the program. If significant changes are made, the training program must be re-submitted for approval.

(4) The ODE must remove training programs from the approved list if they no longer meets the requirements specified in subsection (1) of this rule, or if they are found by the Oregon Department of Education to have violated any other laws.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 339.285 - 339.303

Hist.: ODE 12-2012, f. 3-30-12, cert. ef. 5-1-12; ODE 13-2014, f. & cert. ef. 2-19-14

581-021-0566

Required Use of Approved Restraint and Seclusion Programs

On or after July 1, 2012, a Public Education Program may only use training programs on physical restraint and seclusion that are approved by the Department of Education under OAR 581-021-0563. The Department of Education shall make the approved training list available to all Public Education Programs.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 339.285 - 339.303

Hist.: ODE 12-2012, f. 3-30-12, cert. ef. 5-1-12; ODE 13-2014, f. & cert. ef. 2-19-14

581-021-0568

Standards for Seclusion Rooms

Beginning with the 2014–15 school year, public education programs must meet the following standards for the structural and physical requirements for rooms designated by the school to be used for seclusion:

(1) Any wall that is part of the room used for seclusion must be part of the structural integrity of the room (not free standing cells or portable units attached to the existing wall or floor), and must be no less than 64 square feet; the distance between adjacent walls must be no less than 7 feet across.

(2) The room must not be isolated from school staff of the facility;

(3) Doors must be unlocked or equipped with immediate-release locking mechanisms;

(4) The door must open outward and contain a port of shatterproof glass or plastic through which the entire room may be viewed from outside; half doors are acceptable options as well where direct visual monitoring can occur.

(5) The room must contain no protruding, exposed, or sharp objects;

(6) The room must contain no free standing furniture.

(7) Windows must be transparent for both staff and the student to see in/out, and made of unbreakable or shatterproof glass or plastic. Non-shatterproof glass must be protected by adequate climb-proof screening;

(8) There must be no exposed pipes or electrical wiring in the room. Electrical outlets must be permanently capped or covered with a metal shield secured by tamper-proof screws. The room must contain lights which must be recessed or covered with screening, safety glass or unbreakable plastic. Any cover, cap or shield must be secured by tamper-proof screws;

(9) The room must meet State Fire Marshal fire, safety, and health standards. If sprinklers are installed, they must be recessed and/or covered

with a cage. If pop-down type, sprinklers must have breakaway strength of less than 80 pounds. In lieu of sprinklers, combined smoke and heat detector must be used with similar protective design or installation;

(j) The room must be ventilated; heating and cooling vents must be secure and out of reach;

(k) The room must be designed and equipped in a manner that would not allow a child to climb up a wall;

(l) Walls, floor and ceiling must be solidly and smoothly constructed, to be cleaned easily, and have no rough or jagged portions; and

(m) Seclusion cells are prohibited as provided in OAR 581-021-0569.

(2) These standards are first applicable on or after July 1, 2014.

Stat. Auth.: Sec. 2, ch. 650, OL 2013 (Enrolled House Bill 2585)

Stats. Implemented: ORS 339.285 - 339.303

Hist.: ODE 13-2014, f. & cert. ef. 2-19-14

581-021-0569

Use of Seclusion Cells Prohibited

(1) A public education program may not:

(a) Purchase, build or otherwise take possession of a seclusion cell; or

(b) Use a seclusion cell.

(2) No later than July 1, 2013, a public education program shall ensure that all seclusion cells are removed from the classrooms of the public education program.

(3) No later than September 1, 2013, a public education program shall ensure that all seclusion cells are removed from the premises of the public education program.

(4) Notwithstanding the applicability date specified in OAR 581-021-0568 the prohibition on the use of seclusion cells under this rule is effective and applicable beginning on or after April 5, 2013.

Stat. Auth.: ORS 339.308

Stats. Implemented: ORS 339.285 - 339.308

Hist.: ODE 13-2014, f. & cert. ef. 2-19-14

581-021-0570

Complaint Procedures

An organization or an individual may submit to the Superintendent of Public Instruction a written, signed complaint alleging that a public education program is violating or has violated a provision of sections 1 to 6, chapter 665, Oregon Laws 2011 or 581-021-0550 to 581-021-0566.

(1) The complaint must indicate that, prior to submitting the complaint to the superintendent, the organization or individual attempted to seek a remedy for the complaint from the board or governing body overseeing the entity that has jurisdiction over the public education program against which the complaint is being submitted by:

(a) First filing the complaint with the public education entity; and

(b) Attempting to follow any complaint procedures that the entity has adopted including those adopted by school districts pursuant to ORS 327.1030 and OAR 581-022-1941.

(2) The organization or individual filing the complaint and the Superintendent shall follow the appeal procedures specified in OAR 581-022-1940.

Stat. Auth.: ORS 339.303

Stats. Implemented: ORS 339.285 to 339.303

Hist.: ODE 13-2014, f. & cert. ef. 2-19-14

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Rule Caption: Establishes English Language Proficiency Standards Professional Learning Grant — (Re-filing due to clerical error)

Adm. Order No.: ODE 14-2014(Temp)

Filed with Sec. of State: 3-4-2014

Certified to be Effective: 3-4-14 thru 8-18-14

Notice Publication Date:

Rules Adopted: 581-018-0540, 581-018-0543, 581-018-0546, 581-018-0549, 581-018-0552, 581-018-0553, 581-018-0556

Subject: The grant provides cyclical, reflective professional learning opportunities to Oregon educators to support the implementation of the new English Language Proficiency Standards throughout the state of Oregon by the end of the 2014–2015 school year.

Rules Coordinator: Cindy Hunt—(503) 947-5651

581-018-0540

Definitions

The following definitions apply to OAR 581-018-0540 to 581-018-0556:

(1) “English Language Proficiency Standards” means the standards adopted by the State Board of Education to show what a student should

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know and be able to do at a given grade level. The English Language Proficiency Standards are also referred to as ELP Standards.

(2) “English Learner” or “English Language Learner” means a student who meets the definition of “Limited English Proficient” found in Title IX, Part A, Section 9101.25 of the No Child Left Behind Act of 2001 (NCLB).

(3) “Massive Open Online Course (MOOC)” means an online course aimed at unlimited participation and open access via the Internet.

(4) “Professional Learning” means opportunities that allow educators to collaborate and learn about new standards, methodologies, and strategies for working with students.

(5) “Training of Trainers” means a style of training designed to equip small groups of trainers with the skills, knowledge and strategies to train larger groups of educators in their local school districts.

(6) “ELP Standards Work Group” refers to a group of lead educators established under OAR 581-018-0546 that serve as an advisory body and corps of trainers in the Professional Learning Team Conference.

Stat. Auth. ORS 342.950

Stat. Implemented: ORS 342.950

Hist.: ODE 7-2014(Temp), f. & cert. ef. 2-19-14 thru 8-18-14; ODE 14-2014(Temp), f. & cert. ef. 3-4-14 thru 8-18-14

581-018-0543

Establishment

(1) There is established the English Language Proficiency Standards Professional Learning Grant.

(2) The purpose of the English Language Proficiency Standards Professional Learning Grant is to support target school districts with the implementation of the new English Language Proficiency Standards.

(3) The English Language Proficiency Standards Professional Learning Grant will support a training of trainers system that leverages Oregon’s instructional leadership to incorporate the new ELP standards into teaching practice to support English Learners throughout the school day.

(4) ELD and mainstream educators within target school districts will participate in virtual and in-person professional learning opportunities to learn about the new ELP Standards and plan their implementation in classroom instruction.

Stat. Auth. ORS 342.950

Stat. Implemented: ORS 342.950

Hist.: ODE 7-2014(Temp), f. & cert. ef. 2-19-14 thru 8-18-14; ODE 14-2014(Temp), f. & cert. ef. 3-4-14 thru 8-18-14

581-018-0546

Purpose of Grant

(1) The purpose of the English Language Proficiency Standards Professional Learning Grant is to provide cyclical, reflective professional learning opportunities to Oregon educators to support the implementation of the new English Language Proficiency Standards throughout the state of Oregon by the end of the 2014–2015 school year.

(2) The Oregon Department of Education shall facilitate for target school districts:

(a) Statewide and regional workshops among districts to promote collaborative learning and sharing of best practices.

(b) A Massive Open Online Course to engage educators throughout Oregon in professional learning with the English Language Proficiency Standards.

(3) The Oregon Department of Education shall establish a ELP Standards Work Group and may contract with members of the ELP Standards Work Group to provide professional learning and technical assistance to support implementation of the ELP Standards within the target school districts.

Stat. Auth. ORS 342.950

Stat. Implemented: ORS 342.950

Hist.: ODE 7-2014(Temp), f. & cert. ef. 2-19-14 thru 8-18-14; ODE 14-2014(Temp), f. & cert. ef. 3-4-14 thru 8-18-14

581-018-0549

Eligibility

(1) The following school districts shall be eligible to receive the English Language Proficiency Standards Professional Learning Grant as target school districts:

(a) School districts with greater than 500 English Learners; or

(b) School districts where English Learners comprise 15% of the total student population in the district.

(2) A public charter school with English Learners within a target district may receive grant funds through the district and may participate in grant activities.

(3) Notwithstanding subsection (1) of this rule, a school district that would receive less than \$1,000 under OAR 581-018-0553 is not eligible to receive a grant except as a member of a consortium of target school districts.

Stat. Auth. ORS 342.950

Stat. Implemented: ORS 342.950

Hist.: ODE 7-2014(Temp), f. & cert. ef. 2-19-14 thru 8-18-14; ODE 14-2014(Temp), f. & cert. ef. 3-4-14 thru 8-18-14

581-018-0552

Grant Uses and Requirements

The Oregon Department of Education shall distribute grant funds to eligible districts that agree to do the following:

(1) Commit a team of 4 members to participate in five Professional Learning Team (PLT) Conferences. Two PLT Conferences will be held in the 2013–2014 school year, followed by three PLT Conferences in the 2014–2015 school year. The district’s ELP Standards Professional Learning Team will consist of:

(a) A district level curriculum and instruction leader;

(b) A Title III director;

(c) An English Language Development teacher; and

(d) A mainstream teacher.

(2) The district’s ELP Standards Professional Learning Team will serve as a corps of trainers to lead professional learning within the district for ELD teachers, mainstream teachers, administrators, and staff.

(3) Professional Learning Teams must agree to participate in the Massive Open Online Course to be held at the beginning of the 2014–2015 school year.

(4) The Professional Learning Team must agree to create a model unit aligned to the new ELP Standards. This model unit will contain the following criteria, which will be posted to the network portal to be shared with colleagues throughout Oregon:

(a) Scope and sequence;

(b) Formative assessments;

(c) Summative assessment;

(d) Three sample lesson plans.

(5) The district’s Superintendent must commit to attending at least one event identified by the Department of Education to develop an understanding of the ELP Standards.

(6) Participating target districts must also commit to serving as an observation site for neighboring districts. Peer to peer observation visits will be a critical component of sharing best practices aligned to the new ELP Standards.

Stat. Auth. ORS 342.950

Stat. Implemented: ORS 342.950

Hist.: ODE 7-2014(Temp), f. & cert. ef. 2-19-14 thru 8-18-14; ODE 14-2014(Temp), f. & cert. ef. 3-4-14 thru 8-18-14

581-018-0553

Funding

(1) The Department shall allocate funds to target school districts or consortia of target school districts to establish and support Professional Learning Teams to lead workshops for educators to implement the English Language Proficiency Standards.

(2) Provided that the district has met the requirements described in OAR 581-018-0552, the Department shall award districts that participate in the Professional Learning Team Conferences a non-competitive grant based on their total number of English Learners by district.

(3) The Department shall determine the amount of each grant as follows: Each target district grant amount equals the district’s number of English Language Learners multiplied by (the total amount available for distribution for the grants to districts divided by the total English Language Learners of all target school districts).

(4) Funds received by a school district under this section must be separately accounted for and may be used only to provide funding for the purposes described in the application of the grant recipient.

Stat. Auth. ORS 342.950

Stat. Implemented: ORS 342.950

Hist.: ODE 7-2014(Temp), f. & cert. ef. 2-19-14 thru 8-18-14; ODE 14-2014(Temp), f. & cert. ef. 3-4-14 thru 8-18-14

581-018-0556

Reporting

The Oregon Department of Education will provide a template for an interim and final grant report. Grantees are required to submit a final report prior to receiving their final request for funds.

Stat. Auth. ORS 342.950

Stat. Implemented: ORS 342.950

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Hist.: ODE 7-2014(Temp), f. & cert. ef. 2-19-14 thru 8-18-14; ODE 14-2014(Temp), f. & cert. ef. 3-4-14 thru 8-18-14

Rule Caption: Physical Restraint & Seclusion (Re-filing due to clerical error)

Adm. Order No.: ODE 15-2014

Filed with Sec. of State: 3-4-2014

Certified to be Effective: 3-4-14

Notice Publication Date: 11-1-2013

Rules Amended: 581-021-0550, 581-021-0553, 581-021-0556, 581-021-0559, 581-021-0563, 581-021-0566, 581-021-0568, 581-021-0569, 581-021-0570

Subject: These rules implement legislation adopted by the 2013 Legislature relating to restraint and seclusion of K-12 students.

Rules Coordinator: Cindy Hunt—(503) 947-5651

581-021-0550

Definitions

As used in OAR 581-021-0550 to 581-021-0570:

(1) 'Chemical restraint' means a drug or medication that is used on a student to control behavior or restrict freedom of movement and that is not:

(a) Prescribed by a licensed physician or other qualified health professional acting under the professional's scope of practice for standard treatment of the student's medical or psychiatric condition;

(b) Administered as prescribed by a licensed physician or other qualified health professional acting under the professional's scope of practice.

(2) 'Mechanical restraint' means a device used to restrict the movement of a student or the movement or normal function of a portion of the body of a student. 'Mechanical restraint' does not include:

(a) A protective or stabilizing device ordered by a licensed physician; or

(b) A vehicle safety restraint when used as intended during the transport of a student in a moving vehicle.

(3) 'Physical restraint' means the restriction of a student's movement by one or more persons holding the student or applying physical pressure upon the student.

(a) 'Physical restraint' does not include the touching or holding of a student without the use of force for the purpose of directing the student or assisting the student in completing a task or activity;

(b) 'Physical restraint' does not include prone restraint as defined in ORS 339.288.

(4) 'Prone restraint' means a restraint in which a student is held face down on the floor.

(5) 'Public education program' means a program that:

(a) Is for students in early childhood education, elementary school or secondary school;

(b) Is under the jurisdiction of a school district, an education service district or another educational institution or program; and

(c) Receives, or serves students who receive, support in any form from any program supported, directly or indirectly, with funds appropriated to the Department of Education.

(6) 'Seclusion' means the involuntary confinement of a student alone in a room from which the student is physically prevented from leaving. 'Seclusion' does not include the removal of a student for a short period of time to provide the student with an opportunity to regain self-control if the student is in a setting from which the student is not physically prevented from leaving.

(7) 'Seclusion cell' means a freestanding, self-contained unit that is used to:

(a) Isolate the student from other students; or

(b) Physically prevent a student from leaving the unit or cause the student to believe that the student is physically prevented from leaving the unit.

(8) 'Serious bodily injury' means any significant impairment of the physical condition of a person, as determined by qualified medical personnel, whether self-inflicted or inflicted by someone else.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 339.285 - 339.303

Hist.: ODE 12-2012, f. 3-30-12, cert. ef. 5-1-12; ODE 13-2014, f. & cert. ef. 2-19-14; ODE 15-2014, f. & cert. ef. 3-4-14

581-021-0553

Use of Physical Restraint and Seclusion in Public Education Programs

(1) The use of a chemical restraint, mechanical restraint or prone restraint on a student in a public education program in this state is prohibited.

(2) The use of physical restraint or seclusion on a student in a public education program in this state is prohibited unless used as provided in ORS 339.291, which includes the following:

(a) Physical restraint or seclusion may be used on a student in a public education program only if:

(A) The student's behavior imposes a reasonable threat of imminent, serious bodily injury to the student or others; and

(B) Less restrictive interventions would not be effective.

(b) Physical restraint or seclusion may not be used for discipline, punishment or convenience of personnel of the public education program.

(c) If physical restraint or seclusion is used on a student, the physical restraint or seclusion must be:

(A) Used only for as long as the student's behavior poses a reasonable threat of imminent, serious bodily injury to the student or others;

(B) Imposed by personnel of the public education program who are:

(i) Trained to use physical restraint or seclusion through programs approved by the Department of Education under OAR 581-021-0563; or

(ii) Otherwise available in the case of an emergency circumstance when trained personnel are not immediately available due to the unforeseeable nature of the emergency circumstance.

(C) Continuously monitored by personnel of the public education program for the duration of the physical restraint or seclusion.

(3) If physical restraint or seclusion continues for more than 30 minutes:

(a) The student must be provided with adequate access to the bathroom and water every 30 minutes;

(b) Personnel of the public education program must immediately attempt to verbally or electronically notify a parent or guardian of the student; and,

(c) Every 15 minutes after the first 30 minutes of the physical restraint or seclusion, an administrator for the public education program must provide written authorization for the continuation of the physical restraint or seclusion, including providing documentation for the reason the physical restraint or seclusion must be continued.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 339.285 - 339.303

Hist.: ODE 12-2012, f. 3-30-12, cert. ef. 5-1-12; ODE 13-2014, f. & cert. ef. 2-19-14; ODE 15-2014, f. & cert. ef. 3-4-14

581-021-0556

Program's Procedures Regarding Physical Restraint and Seclusion

(1) Each entity that has jurisdiction over a public education program must establish procedures for the public education program to follow after an incident involving the use of physical restraint or seclusion.

(2) Following an incident involving the use of physical restraint or seclusion, the following must be provided to a parent or guardian of the student:

(a) Verbal or electronic notification of the incident by the end of the school day when the incident occurred;

(b) Written documentation of the incident within 24 hours of the incident that provides a description of the physical restraint or seclusion including:

(A) The date of the physical restraint or seclusion;

(B) The times when the physical restraint or seclusion began and ended;

(C) The location of the physical restraint or seclusion;

(D) A description of the student's activity that prompted the use of physical restraint or seclusion;

(E) The efforts used to de-escalate the situation and the alternatives to physical restraint or seclusion that were attempted;

(F) The names of the personnel of the public education program who administered the physical restraint or seclusion;

(G) A description of the training status of the personnel of the public education program who administered the physical restraint or seclusion, including any information that may need to be provided to the parent or guardian; and,

(H) Timely notification of a debriefing meeting to be held and of the parent's or guardian's right to attend the meeting.

(3) If the personnel of the public education program who administered the physical restraint or seclusion had not received training from a program approved by the Department of Education, as required and in

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accordance with OAR 581-021-0563, the administrator of the public education program shall ensure that a parent or guardian of the student and the district superintendent receive written notification of:

- (a) The lack of training; and
- (b) The reason the physical restraint or seclusion was administered by a person without training.
- (4) A debriefing meeting related to the use of physical restraint or seclusion must be held within two school days of the incident and must include all personnel of the public education program who were involved in the incident and any other appropriate personnel. Written notes must be taken of the debriefing meeting, and a copy of the written notes must be provided to a parent or guardian of the student.

(5) If a student is involved in five incidents in a school year involving physical restraint or seclusion, a team consisting of personnel of the public education program and a parent or guardian of the student must be formed for the purposes of reviewing and revising the student's behavior plan and ensuring the provision of any necessary behavioral supports.

(6) If serious bodily injury or death of a student occurs in relation to the use of physical restraint or seclusion, written notification of the incident must be provided by the public education providers within 24 hours of the incident to the Department of Human Services.

(7) If serious bodily injury or death of personnel of the public education program occurs in relation to the use of physical restraint or seclusion, written notification of the incident must be provided within 24 hours of the incident to the district superintendent and, if applicable, to the union representative for the affected party.

(8) Each public education program must maintain a record of each incident in which injuries or death occurs in relation to the use of physical restraint or seclusion.

(9) As indicated, per ORS 161.205 and 339.250, an individual who is a teacher, administrator, school employee or school volunteer may use reasonable physical force upon a student when and to the extent the application of force is consistent with Section 3, chapter 665, Oregon Laws 2011 (Enrolled House Bill 2939) and OAR 581-021-0553.

(10) The district school board shall adopt written policies to implement Physical Restraint & Seclusion procedures consistent with and as indicated in chapter 665, Oregon Laws 2011 (Enrolled House Bill 2939), ORS 339.250 and OARs 581-021-0550 to 581-021-0570, and shall inform teachers, administrators, school employees and school volunteers.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 339.285 - 339.303

Hist.: ODE 12-2012, f. 3-30-12, cert. ef. 5-1-12; ODE 13-2014, f. & cert. ef. 2-19-14; ODE 15-2014, f. & cert. ef. 3-4-14

581-021-0559

Reporting Requirements for the Use of Physical Restraint and Seclusion

(1) Each entity that has jurisdiction over a public education program must prepare and submit to the Superintendent of Public Instruction an annual report detailing the use of physical restraint and seclusion for the preceding school year, including, at a minimum:

- (a) The total number of incidents involving physical restraint;
- (b) The total number of incidents involving seclusion;
- (c) The total number of seclusions in a locked room;
- (d) The total number of students placed in physical restraint;
- (e) The total number of students placed in seclusion;
- (f) The total number of seclusion rooms available; and a description, including the location of those rooms, designated solely for seclusion;
- (g) The total number of incidents that resulted in injuries or death to students or personnel as a result of the use of physical restraint or seclusion;
- (h) The number of students who were placed in physical restraint or seclusion more than 10 times in the course of a school year and an explanation of what steps have been taken by the public education program to decrease the use of physical restraint and seclusion for each student;
- (i) The number of incidents in which the personnel of the public education program administering physical restraint or seclusion were not trained; and
- (j) The demographic characteristics of all students upon whom physical restraint or seclusion was imposed, including race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, unless the demographic information would reveal personally identifiable information about an individual student.

(2) Each entity that has jurisdiction over a public education program shall make its annual report about physical restraint and seclusion available to:

- (a) The public at the entity's main office and the website of the entity;
- (b) The school board or governing body overseeing the entity;
- (c) If the entity is an education service district, the component school districts of the education service district;
- (d) If the entity is a public charter school, the sponsor of the public charter school;
- (e) Parents and guardians of students in a public education program, who shall be advised at least once each school year about how to access the report.

Stat. Auth. 326.051

Stats. Implemented: 2011 OL Ch. 665 (Enrolled HB 2939)

Hist.: ODE 12-2012, f. 3-30-12, cert. ef. 5-1-12; ODE 13-2014, f. & cert. ef. 2-19-14; ODE 15-2014, f. & cert. ef. 3-4-14

581-021-0563

Approval of Physical Restraint and Seclusion Training Programs for School Staff

(1) The Department of Education shall approve training programs in physical restraint and seclusion that:

- (a) Teach evidence-based techniques that are shown to be effective in the prevention and safe use of physical restraint or seclusion;
- (b) Provide evidence-based skills training related to positive behavior support, conflict prevention, de-escalation and crisis response techniques; and

(c) Are consistent with the philosophies, practices and techniques for physical restraint and seclusion that are established by rule or policy of the Department of Human Services.

(2) A training program seeking approval must submit in writing to the Oregon Department of Education that meets the expectations subsection (1) of this rule.

(3) Training programs approved remain in effect unless significant changes are made to the program. If significant changes are made, the training program must be re-submitted for approval.

(4) The ODE must remove training programs from the approved list if they no longer meets the requirements specified in subsection (1) of this rule, or if they are found by the Oregon Department of Education to have violated any other laws.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 339.285 - 339.303

Hist.: ODE 12-2012, f. 3-30-12, cert. ef. 5-1-12; ODE 13-2014, f. & cert. ef. 2-19-14; ODE 15-2014, f. & cert. ef. 3-4-14

581-021-0566

Required Use of Approved Restraint and Seclusion Programs

On or after July 1, 2012, a Public Education Program may only use training programs on physical restraint and seclusion that are approved by the Department of Education under OAR 581-021-0563. The Department of Education shall make the approved training list available to all Public Education Programs.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 339.285 - 339.303

Hist.: ODE 12-2012, f. 3-30-12, cert. ef. 5-1-12; ODE 13-2014, f. & cert. ef. 2-19-14; ODE 15-2014, f. & cert. ef. 3-4-14

581-021-0568

Standards for Seclusion Rooms

(1) Beginning with the 2014–15 school year, public education programs must meet the following standards for the structural and physical requirements for rooms designated by the school to be used for seclusion:

- (a) Any wall that is part of the room used for seclusion must be part of the structural integrity of the room (not free standing cells or portable units attached to the existing wall or floor), and must be no less than 64 square feet; the distance between adjacent walls must be no less than 7 feet across.
 - (b) The room must not be isolated from school staff of the facility;
 - (c) Doors must be unlocked or equipped with immediate-release locking mechanisms;
 - (d) The door must open outward and contain a port of shatterproof glass or plastic through which the entire room may be viewed from outside; half doors are acceptable options as well where direct visual monitoring can occur.
 - (e) The room must contain no protruding, exposed, or sharp objects;
 - (f) The room must contain no free standing furniture.
 - (g) Windows must be transparent for both staff and the student to see in/out, and made of unbreakable or shatterproof glass or plastic. Non-shatterproof glass must be protected by adequate climb-proof screening;

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(h) There must be no exposed pipes or electrical wiring in the room. Electrical outlets must be permanently capped or covered with a metal shield secured by tamper-proof screws. The room must contain lights which must be recessed or covered with screening, safety glass or unbreakable plastic. Any cover, cap or shield must be secured by tamper-proof screws;

(i) The room must meet State Fire Marshal fire, safety, and health standards. If sprinklers are installed, they must be recessed and/or covered with a cage. If pop-down type, sprinklers must have breakaway strength of less than 80 pounds. In lieu of sprinklers, combined smoke and heat detector must be used with similar protective design or installation;

(j) The room must be ventilated; heating and cooling vents must be secure and out of reach;

(k) The room must be designed and equipped in a manner that would not allow a child to climb up a wall;

(l) Walls, floor and ceiling must be solidly and smoothly constructed, to be cleaned easily, and have no rough or jagged portions; and

(m) Seclusion cells are prohibited as provided in OAR 581-021-0569.

(2) These standards are first applicable on or after July 1, 2014.

Stat. Auth.: 2013 OL Ch. 650, Sec. 2 (Enrolled HB 2585)

Stats. Implemented: ORS 339.285 - 339.303

Hist.: ODE 13-2014, f. & cert. ef. 2-19-14; ODE 15-2014, f. & cert. ef. 3-4-14

581-021-0569

Use of Seclusion Cells Prohibited

(1) A public education program may not:

(a) Purchase, build or otherwise take possession of a seclusion cell; or
(b) Use a seclusion cell.

(2) No later than July 1, 2013, a public education program shall ensure that all seclusion cells are removed from the classrooms of the public education program.

(3) No later than September 1, 2013, a public education program shall ensure that all seclusion cells are removed from the premises of the public education program.

(4) Notwithstanding the applicability date specified in OAR 581-021-0568 the prohibition on the use of seclusion cells under this rule is effective and applicable beginning on or after April 5, 2013.

Stat. Auth.: ORS 339.308

Stats. Implemented: ORS 339.285 - 339.308

Hist.: ODE 13-2014, f. & cert. ef. 2-19-14; ODE 15-2014, f. & cert. ef. 3-4-14

581-021-0570

Complaint Procedures

An organization or an individual may submit to the Superintendent of Public Instruction a written, signed complaint alleging that a public education program is violating or has violated a provision of sections 1 to 6, chapter 665, Oregon Laws 2011 or 581-021-0550 to 581-021-0566.

(1) The complaint must indicate that, prior to submitting the complaint to the superintendent, the organization or individual attempted to seek a remedy for the complaint from the board or governing body overseeing the entity that has jurisdiction over the public education program against which the complaint is being submitted by:

(a) First filing the complaint with the public education entity; and

(b) Attempting to follow any complaint procedures that the entity has adopted including those adopted by school districts pursuant to ORS 327.1030 and OAR 581-022-1941.

(2) The organization or individual filing the complaint and the Superintendent shall follow the appeal procedures specified in OAR 581-022-1940.

Stat. Auth.: ORS 339.303

Stats. Implemented: ORS 339.285 to 339.303

Hist.: ODE 13-2014, f. & cert. ef. 2-19-14; ODE 15-2014, f. & cert. ef. 3-4-14

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Rule Caption: Vision Screening Certification

Adm. Order No.: ODE 16-2014(Temp)

Filed with Sec. of State: 3-12-2014

Certified to be Effective: 3-12-14 thru 9-8-14

Notice Publication Date:

Rules Adopted: 581-021-0031

Subject: Implements 2013 legislation relating to requiring vision screening for students who are 7 years of age or younger upon entering an educational program for the first time. Specifies duties for educational providers. Specifies requirements for documentation.

Rules Coordinator: Cindy Hunt—(503) 947-5651

581-021-0031

Vision Screening Certification

(1) Definitions:

(a) "Education provider" means:

(A) Oregon prekindergarten as defined in OAR 581-019-0005 to 0035; and

(B) School district board as defined in ORS 332.002.

(b) "Eye examination" means an eye exam that:

(A) Is conducted by a person licensed by the Oregon Board of Optometry under ORS 683.010 to 683.340; or

(B) Is conducted by a person licensed by the Oregon Medical Board under ORS 677 and trained in eye surgery and eye disease; and

(C) Involves any diagnosis of the eye and any measurement or assistance of the powers or range of vision of the eye.

(c) "Health care practitioner", for the purposes of this rule, means a Physician (MD), Physician's Assistant (PA), Doctor of Osteopathic Medicine (DO) licensed by the Oregon Medical Board, a Nurse Practitioner licensed by the Oregon State Board of Nursing, or a Naturopathic Physician licensed by the Board of Naturopathic Medicine.

(d) "Vision screening" means an eye screening test to identify potential vision health that is conducted by:

(A) A person licensed by the Oregon Board of Optometry under ORS 683.010 to 683.340;

(B) A person licensed by the Oregon Medical Board under ORS 677 and trained in eye surgery and eye disease;

(C) A health care practitioner as defined in Section (1)(c) of this rule;

(D) A school nurse, an employee of an education provider, including a licensed Registered Nurse or Nurse Practitioner working for a school district to provide school health services, or a person designated by the Department of Education who has completed instruction on how to perform vision screening by an established program which:

(i) Is evidence based; and

(ii) Uses medically accepted standards for screening by non-medically licensed persons, including volunteers.

(e) "Vision Health Record", for the purposes of this rule, has the same meaning as "Education Records" in OAR 581-021-0220(6).

(2) Each education provider must:

(a) Require a student who is age seven or younger and entering an educational program for the first time to submit certification within 120 days of the student beginning school, that the student received:

(A) A vision screening or an eye examination; and

(B) Any further eye examinations or necessary treatments or assistance of the powers or range of vision of the eye.

(b) If a child enters an educational program without certification of vision screening provide the parent with informational resources about:

(A) Student vision screenings, eye examinations; and

(B) Any further examinations or necessary eye or vision treatments.

(c) File in the students vision health record any certifications or results of vision screening or eye examination;

(d) Ensure that the requirements of this rule are met.

(3) A student is not required to submit certification required in subsection (2) of this rule if the student provides a statement from the parent of the child that:

(a) The student submitted certification to a prior education provider; or

(b) The students or parents religious beliefs are contrary to vision screening or eye examination.

(4) Failure by a student or parent to meet the requirements of this rule may not result in prohibiting the student from attending school, but may result in withholding report cards or similar actions.

(5) Certification of a vision screening or eye exam is documented using any written communication method selected by the screening entity to report results of the screening and/or eye exam to parents. The communication must include the:

(a) Child's name;

(b) Screening and/or eye exam date;

(c) Results of the screening and/or eye exam; and

(d) Name of the entity conducting the screening and/or eye exam.

Stat Auth: ORS 336.211

Stat. Implemented: ORS 336.211

Hist.: ODE 16-2014(Temp), f. & cert. ef. 3-12-14 thru 9-8-14

ADMINISTRATIVE RULES

Oregon Health Authority Chapter 943

Rule Caption: Standards for Race Ethnicity Preferred Spoken Signed and Written Language and Disability Status Data Collection
Adm. Order No.: OHA 2-2014

Filed with Sec. of State: 3-10-2014

Certified to be Effective: 3-10-14

Notice Publication Date: 2-1-2014

Rules Adopted: 943-070-0000, 943-070-0010, 943-070-0020, 943-070-0030, 943-070-0040, 943-070-0050, 943-070-0060, 943-070-0070

Subject: The Oregon Health Authority (Authority), Office of Equity and Inclusion is proposing to adopt Oregon Administrative Rules in chapter 943, division 70 relating to the standardization of demographic data categories collected by the Authority, the Department of Human Services, and agency contractors.

In HB 2134, the Legislature required the Authority to convene an advisory group and develop rules to standardize the collection of demographic information related to race, ethnicity, written, signed or spoken language and disability status.

The proposed rules provide for the standardization of response options when demographic data is being collected and the creation of implementing policies, procedures and training within the agencies.

Implementation of the rules will improve the ability of the Authority, Department, community stakeholders, elected officials, and other decision makers to recognize, address, target and eliminate inequities experienced by distinct racial, cultural, and linguistic communities, and by people with disabilities. Based on local, state, and national best practices, these standards allow the Authority and Department to meet federal reporting expectations; compare Oregon's progress with national trends; improve quality service delivery; and ensure equitable allocation of resources.

Rules Coordinator: Keely L. West—(503) 945-6292

943-070-0000

Purpose

These rules establish uniform standards and practices for the collection of data on race, ethnicity, preferred spoken or signed and preferred written language, and disability status by the Oregon Health Authority (Authority) and Department of Human Services (Department). Standardized data collection methodology will improve the ability of the Authority, Department, community stakeholders, elected officials, and other decision makers to recognize, address, target and eliminate inequities experienced by distinct racial, cultural, and linguistic communities, and by people with disabilities. Based on local, state, and national best practices, these standards allow the Authority and Department to meet federal reporting expectations; compare Oregon's progress with national trends; improve quality service delivery; and ensure equitable allocation of resources.

Stat. Auth.: ORS 413.042 & 413.161
Stats. Implemented: ORS 413.161
Hist.: OHA 2-2014, f. & cert. ef. 3-10-14

943-070-0010

Definitions

The following definitions apply to OAR 943-070-through 943-070-0070:

- (1) "American Indian or Alaska Native" means an individual:
 - (a) Identifying as a member of the federal demographic category meaning an individual that is a member of a federally-recognized Indian tribe or an individual who:
 - (A) Is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State of Oregon, or an individual who is a descendant, in the first or second degree, of any such member.
 - (B) Is an Eskimo or Aleut or other Alaska Native.
 - (C) Is considered by the Secretary of the Department of Interior to be an Indian for any purpose.
 - (D) Is determined to be an Indian under regulations promulgated by the Secretary of the Department of Health and Human Services.

(b) Having origins in any of the original peoples of North and South America (including Central America) and maintaining a tribal affiliation or community attachment.

(2) "African" means an individual identifying with or descending from any of the racial groups of Africa whose national origin is from a country on the continent of Africa.

(3) "African American or Black" is a federal demographic category meaning an individual identifying with or descending from any of the black racial groups of Africa.

(4) "Asian" is a federal demographic category meaning an individual identifying with or descending from any of the original peoples of East Asia, Southeast Asia, or South Asia including Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

(6) "Authority" means the Oregon Health Authority.

(7) "Declined to answer" is a demographic designation used when the individual actively chooses not to provide information on their race or ethnicity.

(8) "Demographic data" means collected information related to age, gender, race, ethnicity, preferred spoken, signed and written language, and disability status. Demographic data under these rules will be collected for the purpose of better understanding populations who interact with the Authority and the Department.

(9) "Department" means the Department of Human Services.

(10) "Disability" means a condition meeting the criteria for establishing that an individual has a disability under ORS 659A.104.

(11) "Ethnicity" means a demographic designation for a group of people sharing a culture that includes race, religion, language, and other cultural characteristics including ancestry or country of origin.

(12) "Hispanic or Latino" is a federal demographic category meaning an individual of Cuban, Mexican, Puerto Rican, Dominican, South or Central American, or other Spanish culture or origin, regardless of race.

(13) "Race" means a demographic designation for a group of people who share a common heredity.

(a) Race includes shared ancestry, national origin and sociocultural characteristics.

(b) Race is not a biological, anthropological or genetic distinction.

(14) "Native Hawaiian or Other Pacific Islander" is a federal demographic category meaning an individual having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

(15) "Other" means an individual identifies with a demographic designation not listed.

(16) "Primary racial or ethnic identity" means the race or ethnicity with which an individual most identifies when opting to choose from multiple designations.

(17) "Unknown" means a category used when a demographic designation is missing for some reason other than the individual declining to answer and includes, but is not limited to situations where:

- (i) The individual or caregiver is unable to provide an answer; or
- (ii) There is no available family member or caregiver to respond for the individual.

(18) "White" is a federal demographic category meaning an individual having origins in any of the original peoples of Europe, the Middle East, or North Africa. It includes people who indicate their race as "White" or report entries such as Irish, German, Italian, Lebanese, Arab, Moroccan, or Caucasian..

Stat. Auth.: ORS 413.042 & 413.161
Stats. Implemented: ORS 413.161
Hist.: OHA 2-2014, f. & cert. ef. 3-10-14

943-070-0020

Demographic Data Collection Standards

(1) To the greatest extent practicable, all programs and activities of the Authority and Department that collect, record or report any demographic data through any means shall collect race, ethnicity, preferred spoken, signed and written language, and disability status data in accordance with these rules and implementing policy.

(2) To the greatest extent practicable, contractors and subcontractors who collect, record or report any demographic data on behalf of the Authority and Department shall collect race, ethnicity, preferred spoken, signed and written language, and disability status data in accordance with these rules and implementing policy

(3) To the greatest extent practicable, the Authority, the Department and agency contractors and subcontractors should ask individuals to self-report race, ethnicity, preferred signed, written and spoken language and disability status information.

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(a) Authority, Department or contractor staff shall not assume or judge ethnic and racial identity, preferred signed, written and spoken language, or disability without asking the individual.

(b) If an individual is unable to self-report and a family member, advocate, or authorized representative is unable to report on his or her behalf, the information shall be recorded by staff as unknown.

(c) When a demographic category is listed as unknown, demographic data shall be requested at a subsequent encounter.

(4) When an individual declines to identify race or ethnicity or preferred signed, written, or spoken language, or disability status the information shall be reported by staff as declined to answer.

(5) When the race, ethnicity, signed, written or spoken language or disability status of an individual is required by federal law and an individual is unable or unwilling to self-report, this information shall be recorded in the data collection instrument and additionally identified as "staff determined," and combined with the "unknown" category for state level analysis.

(6) Requests for demographic information shall be distinct from questions related to program eligibility criteria and an individual's decision not to answer questions related to demographic data shall not affect eligibility for public assistance programs.

(7) Nothing in these rules shall be construed to prohibit the collection of information for purposes of establishing eligibility for a specific program or service.

Stat. Auth.: ORS 413.042 & 413.161
Stats. Implemented: ORS 413.161
Hist.: OHA 2-2014, f. & cert. ef. 3-10-14

943-070-0030

Race and Ethnicity Demographic Data Collection Standard

(1) To the greatest extent practicable, staff and contractors gathering demographic data from an individual shall ask open-ended questions designed to elicit an unprompted response related to ancestry, race, ethnicity, country of origin or tribal affiliation.

(2) At minimum, the demographic data categories in this section shall be listed with the identifying label of "Racial or ethnic identity" on data collection and intake forms. These categories are designed to aggregate to existing federal reporting categories as those categories are defined in these rules.

- (a) American Indian
- (b) Alaska Native
- (c) Canadian Inuit, Metis or First Nation
- (d) Indigenous Mexican, Central American or South American
- (e) Hispanic or Latino Mexican
- (f) Hispanic or Latino Central American
- (g) Hispanic or Latino South American
- (h) Other Hispanic or Latino
- (i) Chinese
- (j) Vietnamese
- (k) Korean
- (l) Hmong
- (m) Laotian
- (n) Filipino/a
- (o) Japanese
- (p) South Asian
- (q) Asian Indian
- (r) Other Asian
- (s) Native Hawaiian
- (t) Guamanian or Chamorro
- (u) Samoan
- (v) Other Pacific Islander
- (w) African American
- (x) African
- (y) Caribbean
- (z) Other Black
- (aa) Western European
- (bb) Eastern European
- (cc) Slavic
- (dd) Middle Eastern
- (ee) Northern African
- (ff) Other White
- (gg) Other
- (hh) Unknown
- (ii) Decline to Answer

(3) The Authority and Department shall instruct individuals, either in writing or verbally, that more than one racial or ethnic category may be chosen.

(a) Individuals who select multiple categories shall be asked an additional question regarding their primary racial or ethnic affiliation using the categories listed in section (2).

(b) Individuals may decline to select a primary racial or ethnic identity.

Stat. Auth.: ORS 413.042 & 413.161
Stats. Implemented: ORS 413.161
Hist.: OHA 2-2014, f. & cert. ef. 3-10-14

943-070-0040

Communication Demographic Data Collection Standards

(1) To the greatest extent practicable, staff and contractors gathering demographic data shall ask open-ended questions designed to elicit an unprompted response related to preferred spoken, signed and written language.

(2) At minimum, the following questions shall be included on data collection and intake forms.

(a) In what language do you want us to speak with you?

(b) In what language do you want us to write to you?

(c) Do you need an interpreter?

(d) Do you need a sign language interpreter?

(e) Do you need written materials in an alternate format? If yes, which?

(f) How well do you speak English? There are four answer categories: Very well, well, not well, and not at all.

Stat. Auth.: ORS 413.042 & 413.161
Stats. Implemented: ORS 413.161
Hist.: OHA 2-2014, f. & cert. ef. 3-10-14

943-070-0050

Disability Demographic Data Collection Standards

(1) To the greatest extent practicable, staff and contractors gathering demographic data from an individual shall ask "Are you limited in any way in any activities because of physical, mental, or emotional problems?" Individuals may answer yes, no, don't know, or decline to answer.

(2) The following set of questions shall be asked to identify subgroups of individuals with disabling conditions.

(a) Are you deaf or do you have serious difficulty hearing?

(b) Are you blind or do you have serious difficulty seeing, even when wearing glasses?

(c) Because of a physical, mental, or emotional condition, do you have serious difficulty concentrating, remembering, understanding, or making decisions? (ages 5 years and older)

(d) Do you have serious difficulty walking or climbing stairs? (ages 5 years and older)

(e) Do you have difficulty dressing or bathing? (ages 5 years and older)

(f) Because of a physical, mental, or emotional condition, do you have difficulty doing errands alone such as visiting a doctor's office or shopping? (ages 15 years and older)

(3) For each "yes" response, the individual shall be asked at what age the condition began.

Stat. Auth.: ORS 413.042 & 413.161
Stats. Implemented: ORS 413.161
Hist.: OHA 2-2014, f. & cert. ef. 3-10-14

943-070-0060

Reporting Progress on Implementation

(1) All programs of the Authority and Department that collect demographic data must report to the Office of Equity and Inclusion or Office of Equity and Multicultural Services, as appropriate, in February of each even numbered year. Reports shall include information about each program's:

(a) Progress in implementing these standards.

(b) Challenges to full implementation of these standards.

(c) Plan for addressing challenges, including identifying responsible staff and timeline.

(2) The Office of Equity and Inclusion and Office of Equity and Multicultural Services shall use data provided by the programs to create a report for the legislature as required by ORS 413.162.

Stat. Auth.: ORS 413.042 & 413.161
Stats. Implemented: ORS 413.161
Hist.: OHA 2-2014, f. & cert. ef. 3-10-14

ADMINISTRATIVE RULES

943-070-0070

Advisory Committee

(1) The Authority and Department may create and implement shared or parallel definitions, policies, procedures and practices that expand on the minimum criteria of these rules.

(2) The Authority, in collaboration with the Department, shall appoint a permanent standing advisory committee composed of individuals or advocates of individuals likely to be affected by the inequities addressed in the collection of race, ethnicity, preferred spoken, signed and written language, and disability status data.

(3) The committee required by this section shall advise the Authority and Department about the creation of definitions, policies, procedures and practices to implement these rules, including recommendations related to:

(a) Protocols for collecting data in consistent, meaningful, culturally-competent ways.

(b) Protocols for protecting client privacy in compliance with state and federal law.

(c) The addition of demographic data subcategories for collection of more accurate and comprehensive data.

(d) Training.

(4) The Authority, in collaboration with the Department and the advisory committee shall review the standards at least once every two years from June 1, 2014, to ensure the standards are up to date, efficient, uniform and consistent with best, promising and emerging practices.

Stat. Auth.: ORS 413.042 & 413.161

Stats. Implemented: ORS 413.161

Hist.: OHA 2-2014, f. & cert. ef. 3-10-14

Oregon Health Authority, Division of Medical Assistance Programs Chapter 410

Rule Caption: Expand Age for Topical Fluoride Varnish in Medical Setting and Update Language for Dental Integration

Adm. Order No.: DMAP 10-2014(Temp)

Filed with Sec. of State: 2-28-2014

Certified to be Effective: 2-28-14 thru 8-27-14

Notice Publication Date:

Rules Amended: 410-123-1260

Subject: OAR 410-123-1260 is being amended to restore language from a previously-completed and certified amendment (DMAP 68-2013). That amendment expanded the age for topical fluoride varnish in medical settings and updated language for dental integration. This language was subsequently, and unintentionally, removed. The present temporary rule restores the language.

Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-123-1260

OHP Plus Dental Benefits

(1) General:

(a) Early and Periodic Screening, Diagnosis and Treatment (EPSDT):

(A) Refer to Code of Federal Regulations (42 CFR 441, Subpart B) and OAR chapter 410, division 120 for definitions of the EPSDT program, eligible clients, and related services. EPSDT dental services includes, but are not limited to:

(i) Dental screening services for eligible EPSDT individuals; and

(ii) Dental diagnosis and treatment which is indicated by screening, at as early an age as necessary, needed for relief of pain and infections, restoration of teeth and maintenance of dental health;

(B) Providers must provide EPSDT services for eligible Division clients according to the following documents:

(i) The Dental Services Program administrative rules (OAR chapter 410, division 123), for dentally appropriate services funded on the Oregon Health Evidence Review Commission Prioritized List of Health Services (Prioritized List); and

(ii) The "Oregon Health Plan (OHP) — Recommended Dental Periodicity Schedule," dated January 1, 2010, incorporated by reference and posted on the Division Web site in the Dental Services Provider Guide document at

www.oha.state.or.us/policy/healthplan/guides/dental/main.html;

(b) Restorative, periodontal and prosthetic treatments:

(A) Treatments must be consistent with the prevailing standard of care, documentation must be included in the client's charts to support the treatment, and may be limited as follows:

(i) When prognosis is unfavorable;

(ii) When treatment is impractical;

(iii) A lesser-cost procedure would achieve the same ultimate result;

or

(iv) The treatment has specific limitations outlined in this rule;

(B) Prosthetic treatment, including porcelain fused to metal crowns, are limited until rampant progression of caries is arrested and a period of adequate oral hygiene and periodontal stability is demonstrated; periodontal health needs to be stable and supportive of a prosthetic.

(2) Diagnostic Services:

(a) Exams:

(A) For children under 19 years of age:

(i) The Division shall reimburse exams (billed as D0120, D0145, D0150, or D0180) a maximum of twice every 12 months with the following limitations:

(I) D0150: once every 12 months when performed by the same practitioner;

(II) D0150: twice every 12 months only when performed by different practitioners;

(III) D0180: once every 12 months;

(ii) The Division shall reimburse D0160 only once every 12 months when performed by the same practitioner;

(B) For adults 19 years of age and older, the Division shall reimburse exams (billed as D0120, D0150, D0160, or D0180) once every 12 months;

(C) For problem focused exams (urgent or emergent problems), the Division shall reimburse D0140 for the initial exam. The Division shall reimburse D0170 for related problem focused follow-up exams. Providers should not bill D0140 and D0170 for routine dental visits;

(D) The Division only covers oral exams by medical practitioners when the medical practitioner is an oral surgeon;

(E) As the American Dental Association's Current Dental Terminology (CDT) codebook specifies the evaluation, diagnosis and treatment planning components of the exam are the responsibility of the dentist, the Division may not reimburse dental exams when furnished by a dental hygienist (with or without an expanded practice permit);

(b) Assessments of a patient (D0191):

(A) When performed by a dental practitioner, the Division shall reimburse:

(i) If performed by a dentist outside of a dental office;

(ii) If performed by a dental hygienist with an expanded practice dental hygiene permit;

(iii) Only if an exam (D0120-D0180) is not performed on the same date of service. An oral assessment is included in the exam;

(iii) For children under 19 years of age, a maximum of twice every 12 months; and

(iv) For adults age 19 and older, a maximum of once every 12 months;

(B) When performed by a medical practitioner, the Division shall cover:

(i) Only for children under 7 years of age; and

(ii) A maximum of once a year;

(C) Medical practitioners performing D0191 shall bill the client's medical coverage for reimbursement (Coordinated Care Organization (CCO) or Prepaid Health Plan (PHP) if the member is enrolled, or the Division if fee-for-service clients);

(D) The maximum limits for this procedure for dental practitioners do not affect the maximum limits for medical providers, and vice versa; and

(E) An assessment does not take the place of the need for oral evaluations/exams;

(c) Radiographs:

(A) The Division shall reimburse for routine radiographs once every 12 months;

(B) The Division shall reimburse bitewing radiographs for routine screening once every 12 months;

(C) The Division shall reimburse a maximum of six radiographs for any one emergency;

(D) For clients under age six, radiographs may be billed separately every 12 months as follows:

(i) D0220 — once;

(ii) D0230 — a maximum of five times;

(iii) D0270 — a maximum of twice, or D0272 once;

(E) The Division shall reimburse for panoramic (D0330) or intra-oral complete series (D0210) once every five years, but both cannot be done within the five-year period;

(F) Clients must be a minimum of six years old for billing intra-oral complete series (D0210). The minimum standards for reimbursement of intra-oral complete series are:

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(i) For clients age six through 11- a minimum of 10 periapicals and two bitewings for a total of 12 films;

(ii) For clients ages 12 and older - a minimum of 10 periapicals and four bitewings for a total of 14 films;

(G) If fees for multiple single radiographs exceed the allowable reimbursement for a full mouth complete series (D0210), the Division shall reimburse for the complete series;

(H) Additional films may be covered if dentally or medically appropriate, e.g., fractures (Refer to OAR 410-123-1060 and 410-120-0000);

(I) If the Division determines the number of radiographs to be excessive, payment for some or all radiographs of the same tooth or area may be denied;

(J) The exception to these limitations is if the client is new to the office or clinic and the office or clinic was unsuccessful in obtaining radiographs from the previous dental office or clinic. Supporting documentation outlining the provider's attempts to receive previous records must be included in the client's records;

(K) Digital radiographs, if printed, should be on photo paper to assure sufficient quality of images.

(3) Preventive Services:

(a) Prophylaxis:

(A) For children under 19 years of age — Limited to twice per 12 months;

(B) For adults 19 years of age and older — Limited to once per 12 months;

(C) Additional prophylaxis benefit provisions may be available for persons with high risk oral conditions due to disease process, pregnancy, medications or other medical treatments or conditions, severe periodontal disease, rampant caries and/or for persons with disabilities who cannot perform adequate daily oral health care;

(D) Are coded using the appropriate Current Dental Terminology (CDT) coding:

(i) D1110 (Prophylaxis — Adult) — Use for clients 14 years of age and older; and

(ii) D1120 (Prophylaxis — Child) — Use for clients under 14 years of age;

(b) Topical fluoride treatment:

(A) For adults 19 years of age and older — Limited to once every 12 months;

(B) For children under 19 years of age — Limited to twice every 12 months;

(C) For children under 19 years of age, topical fluoride varnish may be applied by a medical practitioner during a medical visit:

(i) Bill the Division directly when the client is fee-for-service (FFS), is enrolled in a CCO that does not include integrated dental services, or is enrolled in a PHP that does not include integrated dental services;

(ii) Bill the client's Coordinated Care Organization (CCO) if the client is enrolled in a CCO that includes integrated dental services;

(iii) Bill using a professional claim format with the appropriate CDT code (D1206 — Topical Fluoride Varnish);

(D) Additional topical fluoride treatments may be available, up to a total of four treatments per client within a 12-month period, when high-risk conditions or oral health factors are clearly documented in chart notes for the following clients who:

(i) Have high-risk oral conditions due to disease process, medications, other medical treatments or conditions, or rampant caries;

(ii) Are pregnant;

(iii) Have physical disabilities and cannot perform adequate, daily oral health care;

(iv) Have a developmental disability or other severe cognitive impairment that cannot perform adequate, daily oral health care; or

(v) Are under seven years old with high-risk oral health factors, such as poor oral hygiene, deep pits and fissures (grooves) in teeth, severely crowded teeth, poor diet, etc;

(E) Fluoride limits include any combination of fluoride varnish (D1206) or other topical fluoride (D1208);

(c) Sealants (D1351):

(A) Are covered only for children under 16 years of age;

(B) The Division limits coverage to:

(i) Permanent molars; and

(ii) Only one sealant treatment per molar every five years, except for visible evidence of clinical failure;

(d) Tobacco cessation:

(A) For services provided during a dental visit, bill as a dental service using CDT code D1320 when the following brief counseling is provided:

(i) Ask patients about their tobacco-use status at each visit and record information in the chart;

(ii) Advise patients on their oral health conditions related to tobacco use and give direct advice to quit using tobacco and a strong personalized message to seek help; and

(iii) Refer patients who are ready to quit, utilizing internal and external resources to complete the remaining three A's (assess, assist, arrange) of the standard intervention protocol for tobacco;

(B) The Division allows a maximum of 10 services within a three-month period;

(C) For tobacco cessation services provided during a medical visit follow criteria outlined in OAR 410-130-0190;

(e) Space management:

(A) The Division shall cover fixed and removable space maintainers (D1510, D1515, D1520, and D1525) only for clients under 19 years of age;

(B) The Division may not reimburse for replacement of lost or damaged removable space maintainers.

(4) Restorative Services:

(a) Restorations — amalgam and composite:

(A) The Division shall cover resin-based composite restorations only for anterior teeth (D2330-D2390) and one surface posterior teeth (D2391);

(B) Resin-based composite crowns on anterior teeth (D2390) are only covered for clients under 21 years of age or who are pregnant;

(C) The Division reimburses posterior composite restorations at the same rate as amalgam restorations;

(D) The Division limits payment for replacement of posterior composite restorations to once every five years;

(E) The Division limits payment of covered restorations to the maximum restoration fee of four surfaces per tooth. Refer to the American Dental Association (ADA) CDT codebook for definitions of restorative procedures;

(F) Providers must combine and bill multiple surface restorations as one line per tooth using the appropriate code. Providers may not bill multiple surface restorations performed on a single tooth on the same day on separate lines. For example, if tooth #30 has a buccal amalgam and a mesial-occlusal-distal (MOD) amalgam, then bill MOD, B, using code D2161 (four or more surfaces);

(G) The Division may not reimburse for an amalgam or composite restoration and a crown on the same tooth;

(H) The Division reimburses for a surface once in each treatment episode regardless of the number or combination of restorations;

(I) The restoration fee includes payment for occlusal adjustment and polishing of the restoration;

(b) Crowns and related services:

(A) General payment policies:

(i) The fee for the crown includes payment for preparation of the gingival tissue;

(ii) The Division shall cover crowns only when:

(I) There is significant loss of clinical crown and no other restoration will restore function; and

(II) The crown-to-root ratio is 50:50 or better and the tooth is restorable without other surgical procedures;

(iii) The Division shall cover core buildup (D2950) only when necessary to retain a cast restoration due to extensive loss of tooth structure from caries or a fracture and only when done in conjunction with a crown. Less than 50% of the tooth structure must be remaining for coverage of the core buildup.

(iv) Reimbursement of retention pins (D2951) is per tooth, not per pin;

(B) The Division shall not cover the following services:

(i) Endodontic therapy alone (with or without a post);

(ii) Aesthetics (cosmetics);

(iii) Crowns in cases of advanced periodontal disease or when a poor crown/root ratio exists for any reason;

(C) The Division shall cover acrylic heat or light cured crowns (D2970 temporary crown, fractured tooth) — allowed only for anterior permanent teeth;

(D) The Division shall cover the following only for clients under 21 years of age or who are pregnant:

(i) Prefabricated plastic crowns (D2932) are allowed only for anterior teeth, permanent or primary;

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(ii) Stainless steel crowns (D2930/D2931) are allowed only for anterior primary teeth and posterior permanent or primary teeth;

(iii) Prefabricated stainless steel crowns with resin window (D2933) are allowed only for anterior teeth, permanent or primary;

(iv) Prefabricated post and core in addition to crowns (D2954/D2957);

(v) Permanent crowns (resin-based composite — D2710 and D2712, and porcelain fused to metal (PFM) — D2751 and D2752) as follows:

(I) Limited to teeth numbers 6–11, 22 and 27 only, if dentally appropriate;

(II) Limited to four in a seven-year period. This limitation includes any replacement crowns allowed according to (E)(i) of this rule;

(III) Only for clients at least 16 years of age; and

(IV) Rampant caries are arrested and the client demonstrates a period of oral hygiene before prosthetics are proposed;

(vi) PFM crowns (D2751 and D2752) must also meet the following additional criteria:

(I) The dental practitioner has attempted all other dentally appropriate restoration options, and documented failure of those options;

(II) Written documentation in the client's chart indicates that PFM is the only restoration option that will restore function;

(III) The dental practitioner submits radiographs to the Division for review; history, diagnosis, and treatment plan may be requested. (See OAR 410-123-1100 Services Reviewed by the Division) ;

(IV) The client has documented stable periodontal status with pocket depths within 1–3 millimeters. If PFM crowns are placed with pocket depths of 4 millimeter and over, documentation must be maintained in the client's chart of the dentist's findings supporting stability and why the increased pocket depths will not adversely affect expected long term prognosis;

(V) The crown has a favorable long-term prognosis; and

(VI) If tooth to be crowned is clasp/abutment tooth in partial denture, both prognosis for crown itself and tooth's contribution to partial denture must have favorable expected long-term prognosis;

(E) Crown replacement:

(i) Permanent crown replacement limited to once every seven years;

(ii) All other crown replacement limited to once every five years; and

(iii) The Division may make exceptions to crown replacement limitations due to acute trauma, based on the following factors:

(I) Extent of crown damage;

(II) Extent of damage to other teeth or crowns;

(III) Extent of impaired mastication;

(IV) Tooth is restorable without other surgical procedures; and

(V) If loss of tooth would result in coverage of removable prosthetic;

(F) Crown repair (D2980) is limited to only anterior teeth.

(5) Endodontic Services:

(a) Endodontic therapy:

(A) Pulpal therapy on primary teeth (D3230 and D3240) is covered only for clients under 21 years of age;

(B) For permanent teeth:

(i) Anterior and bicuspid endodontic therapy (D3310 and D3320) is covered for all OHP Plus clients; and

(ii) Molar endodontic therapy (D3330):

(I) For clients through age 20, is covered only for first and second molars; and

(II) For clients age 21 and older who are pregnant, is covered only for first molars;

(C) The Division covers endodontics only if the crown-to-root ratio is 50:50 or better and the tooth is restorable without other surgical procedures;

(b) Endodontic retreatment and apicoectomy/periradicular surgery:

(A) The Division does not cover retreatment of a previous root canal or apicoectomy/periradicular surgery for bicuspid or molars;

(B) The Division limits either a retreatment or an apicoectomy (but not both procedures for the same tooth) to symptomatic anterior teeth when:

(i) Crown-to-root ratio is 50:50 or better;

(ii) The tooth is restorable without other surgical procedures; or

(iii) If loss of tooth would result in the need for removable prosthetics;

(C) Retrograde filling (D3430) is covered only when done in conjunction with a covered apicoectomy of an anterior tooth;

(c) The Division does not allow separate reimbursement for open-and-drain as a palliative procedure when the root canal is completed on the same date of service, or if the same practitioner or dental practitioner in the same group practice completed the procedure;

(d) The Division covers endodontics if the tooth is restorable within the OHP benefit coverage package;

(e) Apexification/recalcification and pulpal regeneration procedures:

(A) The Division limits payment for apexification to a maximum of five treatments on permanent teeth only;

(B) Apexification/recalcification and pulpal regeneration procedures are covered only for clients under 21 years of age or who are pregnant.

(6) Periodontic Services:

(a) Surgical periodontal services:

(A) Gingivectomy/Gingivoplasty (D4210 and D4211) — limited to coverage for severe gingival hyperplasia where enlargement of gum tissue occurs that prevents access to oral hygiene procedures, e.g., Dilantin hyperplasia; and

(B) Includes six months routine postoperative care;

(C) The Division shall consider gingivectomy or gingivoplasty to allow for access for restorative procedure, per tooth (D4212) as part of the restoration and will not provide a separate reimbursement for this procedure;

(b) Non-surgical periodontal services:

(A) Periodontal scaling and root planing (D4341 and D4342):

(i) For clients through age 20, allowed once every two years;

(ii) For clients age 21 and over, allowed once every three years;

(iii) A maximum of two quadrants on one date of service is payable, except in extraordinary circumstances;

(iv) Quadrants are not limited to physical area, but are further defined by the number of teeth with pockets 5 mm or greater:

(I) D4341 is allowed for quadrants with at least four or more teeth with pockets 5 mm or greater;

(II) D4342 is allowed for quadrants with at least two teeth with pocket depths of 5 mm or greater;

(v) Prior authorization for more frequent scaling and root planing may be requested when:

(I) Medically/dentally necessary due to periodontal disease as defined above is found during pregnancy; and

(II) Client's medical record is submitted that supports the need for increased scaling and root planing;

(B) Full mouth debridement (D4355):

(i) For clients through age 20, allowed only once every two years;

(ii) For clients age 21 and older, allowed once every three years;

(c) Periodontal maintenance (D4910):

(A) For clients through age 20, allowed once every six months;

(B) For clients age 21 and older:

(i) Limited to following periodontal therapy (surgical or non-surgical) that is documented to have occurred within the past three years;

(ii) Allowed once every twelve months;

(iii) Prior authorization for more frequent periodontal maintenance may be requested when:

(I) Medically/dentally necessary, such as due to presence of periodontal disease during pregnancy; and

(II) Client's medical record is submitted that supports the need for increase periodontal maintenance (chart notes, pocket depths and radiographs);

(d) Records must clearly document the clinical indications for all periodontal procedures, including current pocket depth charting and/or radiographs;

(e) The Division may not reimburse for procedures identified by the following codes if performed on the same date of service:

(A) D1110 (Prophylaxis — adult);

(B) D1120 (Prophylaxis — child);

(C) D4210 (Gingivectomy or gingivoplasty — four or more contiguous teeth or bounded teeth spaces per quadrant);

(D) D4211 (Gingivectomy or gingivoplasty — one to three contiguous teeth or bounded teeth spaces per quadrant);

(E) D4341 (Periodontal scaling and root planning — four or more teeth per quadrant);

(F) D4342 (Periodontal scaling and root planning — one to three teeth per quadrant);

(G) D4355 (Full mouth debridement to enable comprehensive evaluation and diagnosis); and

(H) D4910 (Periodontal maintenance).

(7) Removable Prosthodontic Services:

(a) Clients age 16 years and older are eligible for removable resin base partial dentures (D5211-D5212) and full dentures (complete or immediate, D5110-D5140);

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(b) The Division limits full dentures for clients age 21 and older to only those clients who are recently edentulous:

(A) For the purposes of this rule:

(i) "Edentulous" means all teeth removed from the jaw for which the denture is being provided; and

(ii) "Recently edentulous" means the most recent extractions from that jaw occurred within six months of the delivery of the final denture (or, for fabricated prosthetics, the final impression) for that jaw;

(B) See OAR 410-123-1000 for detail regarding billing fabricated prosthetics;

(c) The fee for the partial and full dentures includes payment for adjustments during the six-month period following delivery to clients;

(d) Resin partial dentures (D5211-D5212):

(A) The Division may not approve resin partial dentures if stainless steel crowns are used as abutments;

(B) For clients through age 20, the client must have one or more anterior teeth missing or four or more missing posterior teeth per arch with resulting space equivalent to that loss demonstrating inability to masticate. Third molars are not a consideration when counting missing teeth;

(C) For clients age 21 and older, the client must have one or more missing anterior teeth or six or more missing posterior teeth per arch with documentation by the provider of resulting space causing serious impairment to mastication. Third molars are not a consideration when counting missing teeth;

(D) The dental practitioner must note the teeth to be replaced and teeth to be clasped when requesting prior authorization (PA);

(e) Replacement of removable partial or full dentures, when it cannot be made clinically serviceable by a less costly procedure (e.g., relining, rebase, repair, tooth replacement), is limited to the following:

(A) For clients at least 16 years and under 21 years of age - the Division shall replace full or partial dentures once every ten years, only if dentally appropriate. This does not imply that replacement of dentures or partials must be done once every ten years, but only when dentally appropriate;

(B) For clients 21 years of age and older - the Division may not cover replacement of full dentures, but shall cover replacement of partial dentures once every 10 years only if dentally appropriate;

(C) The ten year limitations apply to the client regardless of the client's OHP or Dental Care Organization (DCO)/Coordinated Care Organization (CCO) enrollment status at the time client's last denture or partial was received. For example: a client receives a partial on February 1, 2002, and becomes a FFS OHP client in 2005. The client is not eligible for a replacement partial until February 1, 2012. The client gets a replacement partial on February 3, 2012 while FFS and a year later enrolls in a DCO, CCO. The client would not be eligible for another partial until February 3, 2022, regardless of DCO, CCO or FFS enrollment;

(D) Replacement of partial dentures with full dentures is payable ten years after the partial denture placement. Exceptions to this limitation may be made in cases of acute trauma or catastrophic illness that directly or indirectly affects the oral condition and results in additional tooth loss. This pertains to, but is not limited to, cancer and periodontal disease resulting from pharmacological, surgical and/or medical treatment for aforementioned conditions. Severe periodontal disease due to neglect of daily oral hygiene may not warrant replacement;

(f) The Division limits reimbursement of adjustments and repairs of dentures that are needed beyond six months after delivery of the denture as follows for clients 21 years of age and older:

(A) A maximum of four times per year for:

(i) Adjusting complete and partial dentures, per arch (D5410-D5422);

(ii) Replacing missing or broken teeth on a complete denture - each tooth (D5520);

(iii) Replacing broken tooth on a partial denture - each tooth (D5640);

(iv) Adding tooth to existing partial denture (D5650);

(B) A maximum of two times per year for:

(i) Repairing broken complete denture base (D5510);

(ii) Repairing partial resin denture base (D5610);

(iii) Repairing partial cast framework (D5620);

(iv) Repairing or replacing broken clasp (D5630);

(v) Adding clasp to existing partial denture (D5660);

(g) Replacement of all teeth and acrylic on cast metal framework (D5670D5671):

(A) Is covered for clients age 16 and older a maximum of once every 10 years, per arch;

(B) Ten years or more must have passed since the original partial denture was delivered;

(C) Is considered replacement of the partial so a new partial denture may not be reimbursed for another ten years; and

(D) Requires prior authorization as it is considered a replacement partial denture;

(h) Denture rebase procedures:

(A) The Division shall cover rebases only if a relining may not adequately solve the problem;

(B) For clients through age 20, the Division limits payment for rebase to once every three years;

(C) For clients age 21 and older:

(i) There must be documentation of a current relining which has been done and failed; and

(ii) The Division limits payment for rebase to once every five years;

(D) The Division may make exceptions to this limitation in cases of acute trauma or catastrophic illness that directly or indirectly affects the oral condition and results in additional tooth loss. This pertains to, but is not limited to, cancer and periodontal disease resulting from pharmacological, surgical and medical treatment for aforementioned conditions. Severe periodontal disease due to neglect of daily oral hygiene may not warrant rebasing;

(i) Denture relining procedures:

(A) For clients through age 20, the Division limits payment for relining of complete or partial dentures to once every three years;

(B) For clients age 21 and older, the Division limits payment for relining of complete or partial dentures to once every five years;

(C) The Division may make exceptions to this limitation under the same conditions warranting replacement;

(D) Laboratory relines:

(i) Are not payable prior to six months after placement of an immediate denture; and

(ii) For clients through age 20, are limited to once every three years;

(iii) For clients age 21 and older, are limited to once every five years;

(j) Interim partial dentures (D5820-D5821, also referred to as "flippers"):

(A) Are allowed if the client has one or more anterior teeth missing; and

(B) The Division shall reimburse for replacement of interim partial dentures once every five years, but only when dentally appropriate;

(k) Tissue conditioning:

(A) Is allowed once per denture unit in conjunction with immediate dentures; and

(B) Is allowed once prior to new prosthetic placement.

(8) Maxillofacial Prosthetic Services:

(a) Fluoride gel carrier (D5986) is limited to those patients whose severity of oral disease causes the increased cleaning and fluoride treatments allowed in rule to be insufficient. The dental practitioner must document failure of those options prior to use of the fluoride gel carrier;

(b) All other maxillofacial prosthetics (D5900-D5999) are medical services. Refer to the "Covered and Non-Covered Dental Services" document and OAR 410-123-1220:

(A) Bill for medical maxillofacial prosthetics using the professional (CMS1500, DMAP 505 or 837P) claim format:

(B) For clients receiving services through a CCO or PHP, bill medical maxillofacial prosthetics to the CCO or PHP;

(C) For clients receiving medical services through FFS, bill the Division.

(9) Oral Surgery Services:

(a) Bill the following procedures in an accepted dental claim format using CDT codes:

(A) Procedures that are directly related to the teeth and supporting structures that are not due to a medical, including such procedures performed in an ambulatory surgical center (ASC) or an inpatient or outpatient hospital setting;

(B) Services performed in a dental office setting or an oral surgeon's office:

(i) Such services include, but are not limited to, all dental procedures, local anesthesia, surgical postoperative care, radiographs and follow-up visits;

(ii) Refer to OAR 410-123-1160 for any PA requirements for specific procedures;

(b) Bill the following procedures using the professional claim format and the appropriate American Medical Association (AMA) CPT procedure and ICD9 diagnosis codes:

(A) Procedures that are a result of a medical condition (i.e., fractures, cancer);

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(B) Services requiring hospital dentistry that are the result of a medical condition/diagnosis (i.e., fracture, cancer);

(c) Refer to the "Covered and Non-Covered Dental Services" document to see a list of CDT procedure codes on the Prioritized List that may also have CPT medical codes. See OAR 410-123-1220. The procedures listed as "medical" on the table may be covered as medical procedures, and the table may not be all-inclusive of every dental code that has a corresponding medical code;

(d) For clients enrolled in a DCO or CCO responsible for dental services, the DCO, CCO shall pay for those services in the dental plan package;

(e) Oral surgical services performed in an ASC or an inpatient or outpatient hospital setting:

(A) Require PA;

(B) For clients enrolled in a CCO or FCHP, the CCO or FCHP shall pay for the facility charge and anesthesia services. For clients enrolled in a Physician Care Organization (PCO), the PCO shall pay for the outpatient facility charge (including ASCs) and anesthesia. Refer to the current Medical Surgical Services administrative rules in OAR chapter 410, division 130 for more information;

(C) If a client is enrolled in a CCO or PHP, the provider must contact the CCO or PHP for any required authorization before the service is rendered;

(f) All codes listed as "by report" require an operative report;

(g) The Division covers payment for tooth re-implantation only in cases of traumatic avulsion where there are good indications of success;

(h) Biopsies collected are reimbursed as a dental service. Laboratory services of biopsies are reimbursed as a medical service;

(i) The Division does not cover surgical excisions of soft tissue lesions (D7410-D7415);

(j) Extractions — Includes local anesthesia and routine postoperative care, including treatment of a dry socket if done by the provider of the extraction. Dry socket is not considered a separate service;

(k) Surgical extractions:

(A) Include local anesthesia and routine post-operative care;

(B) The Division limits payment for surgical removal of impacted teeth or removal of residual tooth roots to treatment for only those teeth that have acute infection or abscess, severe tooth pain, and/or unusual swelling of the face or gums;

(C) The Division does not cover alveoplasty in conjunction with extractions (D7310 and D7311) separately from the extraction;

(D) The Division covers alveoplasty not in conjunction with extractions (D7320-D7321) only for clients under 21 years of age or who are pregnant;

(l) Frenulectomy/frenulotomy (D7960) and frenuloplasty (D7963):

(A) The Division covers either frenulectomy or frenuloplasty once per lifetime per arch only for clients under age 21;

(B) The Division covers maxillary labial frenulectomy only for clients age 12 through 20;

(C) The Division shall cover frenulectomy/frenuloplasty in the following situations:

(i) When the client has ankyloglossia;

(ii) When the condition is deemed to cause gingival recession; or

(iii) When the condition is deemed to cause movement of the gingival margin when the frenum is placed under tension;

(m) The Division covers excision of pericoronal gingival (D7971) only for clients under age 21 or who are pregnant.

(10) Orthodontia Services:

(a) The Division limits orthodontia services and extractions to eligible clients:

(A) With the ICD-9-CM diagnosis of:

(i) Cleft palate; or

(ii) Cleft palate with cleft lip; and

(B) Whose orthodontia treatment began prior to 21 years of age; or

(C) Whose surgical corrections of cleft palate or cleft lip were not completed prior to age 21;

(b) PA is required for orthodontia exams and records. A referral letter from a physician or dentist indicating diagnosis of cleft palate or cleft lip must be included in the client's record and a copy sent with the PA request;

(c) Documentation in the client's record must include diagnosis, length and type of treatment;

(d) Payment for appliance therapy includes the appliance and all follow-up visits;

(e) Orthodontists evaluate orthodontia treatment for cleft palate/cleft lip as two phases. Stage one is generally the use of an activator (palatal

expander) and stage two is generally the placement of fixed appliances (banding). The Division shall reimburse each phase separately;

(f) The Division shall pay for orthodontia in one lump sum at the beginning of each phase of treatment. Payment for each phase is for all orthodontia-related services. If the client transfers to another orthodontist during treatment, or treatment is terminated for any reason, the orthodontist must refund to the Division any unused amount of payment, after applying the following formula: Total payment minus \$300.00 (for banding) multiplied by the percentage of treatment remaining;

(g) The Division shall use the length of the treatment plan from the original request for authorization to determine the number of treatment months remaining;

(h) As long as the orthodontist continues treatment, the Division may not require a refund even though the client may become ineligible for medical assistance sometime during the treatment period;

(i) Code:

(A) D8660 — PA required (reimbursement for required orthodontia records is included);

(B) Codes D8010-D8690 — PA required.

(11) Adjunctive General and Other Services:

(a) Fixed partial denture sectioning (D9120) is covered only when extracting a tooth connected to a fixed prosthesis and a portion of the fixed prosthesis is to remain intact and serviceable, preventing the need for more costly treatment;

(b) Anesthesia:

(A) Only use general anesthesia or IV sedation for those clients with concurrent needs: age, physical, medical or mental status, or degree of difficulty of the procedure (D9220, D9221, D9241 and D9242);

(B) The Division reimburses providers for general anesthesia or IV sedation as follows:

(i) D9220 or D9241: For the first 30 minutes;

(ii) D9221 or D9242: For each additional 15-minute period, up to three hours on the same day of service. Each 15-minute period represents a quantity of one. Enter this number in the quantity column;

(C) The Division reimburses administration of Nitrous Oxide (D9230) per date of service, not by time;

(D) Oral pre-medication anesthesia for conscious sedation (D9248):

(i) Limited to clients under 13 years of age;

(ii) Limited to four times per year;

(iii) Includes payment for monitoring and Nitrous Oxide; and

(iv) Requires use of multiple agents to receive payment;

(E) Upon request, providers must submit a copy of their permit to administer anesthesia, analgesia and sedation to the Division;

(F) For the purpose of Title XIX and Title XXI, the Division limits payment for code D9630 to those oral medications used during a procedure and is not intended for "take home" medication;

(c) The Division limits reimbursement of house/extended care facility call (D9410) only for urgent or emergent dental visits that occur outside of a dental office. This code is not reimbursable for provision of preventive services or for services provided outside of the office for the provider or facilities' convenience;

(d) Oral devices/appliances (E0485, E0486):

(A) These may be placed or fabricated by a dentist or oral surgeon, but are considered a medical service;

(B) Bill the Division, CCO or the PHP for these codes using the professional claim format.

Stat. Auth.: ORS 413.042, 414.065 & 414.651

Stats. Implemented: ORS 414.065 & 414.651

Hist.: HR 3-1994, f. & cert. ef. 2-1-94; HR 20-1995, f. 9-29-95, cert. ef. 10-1-95; OMAP 13-1998(Temp), f. & cert. ef. 5-1-98 thru 9-1-98; OMAP 28-1998, f. & cert. ef. 9-1-98; OMAP 23-1999, f. & cert. ef. 4-30-99; OMAP 8-2000, f. 3-31-00, cert. ef. 4-1-00; OMAP 17-2000, f. 9-28-00, cert. ef. 10-1-00; OMAP 48-2002, f. & cert. ef. 10-1-02; OMAP 3-2003, f. 1-31-03, cert. ef. 2-1-03; OMAP 65-2003, f. 9-10-03 cert. ef. 10-1-03; OMAP 55-2004, f. 9-10-04, cert. ef. 10-1-04; OMAP 12-2005, f. 3-11-05, cert. ef. 4-1-05; DMAP 25-2007, f. 12-11-07, cert. ef. 1-1-08; DMAP 18-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 38-2008, f. 12-11-08, cert. ef. 1-1-09; DMAP 16-2009 f. 6-12-09, cert. ef. 7-1-09; DMAP 41-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 14-2010, f. 6-10-10, cert. ef. 7-1-10; DMAP 31-2010, f. 12-15-10, cert. ef. 1-1-11; DMAP 17-2011, f. & cert. ef. 7-12-11; DMAP 41-2011, f. 12-21-11, cert. ef. 1-1-12; DMAP 46-2011, f. 12-23-11, cert. ef. 1-1-12; DMAP 13-2013, f. 3-27-13, cert. ef. 4-1-13; DMAP 28-2013(Temp), f. 6-26-13, cert. ef. 7-1-13 thru 12-28-13; DMAP 68-2013, f. 12-5-13, cert. ef. 12-23-13; DMAP 75-2013(Temp), f. 12-31-13, cert. ef. 1-1-14 thru 6-30-14; DMAP 10-2014(Temp), f. & cert. ef. 2-28-14 thru 8-27-14

Rule Caption: Amends Modifications Based on Client Circumstances to Medical Transportation for Recipients of Medical Assistance Programs

Adm. Order No.: DMAP 11-2014

Filed with Sec. of State: 3-11-2014

ADMINISTRATIVE RULES

Certified to be Effective: 3-11-14
Notice Publication Date: 2-1-2014
Rules Amended: 410-136-3260
Rules Repealed: 410-136-3260(T)
Subject: The temporary rule will align Oregon rules with federal regulations regarding providing non-emergent medical transportation.
Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-136-3260

Modifications Based on Client Circumstances

(1) Brokerages may impose reasonable modifications on NEMT services when the client:

- (a) Is threatening harm to the driver or others in the vehicle;
- (b) Has a health condition that creates health or safety concerns to the driver or others in the vehicle;
- (c) Has other behaviors or circumstances that place the driver or others in the vehicle at risk of harm;
- (d) Frequently does not show up for scheduled rides;
- (e) Frequently cancels the ride on the day of the scheduled ride time;
- (f) Has behaviors that cause local medical providers or facilities to refuse to provide further services without imposing modifications; or
- (g) Has special needs that require special accommodations.

(2) Reasonable modifications include, but are not limited to requiring the client to:

- (a) Use a specific transportation subcontractor;
- (b) Travel with an attendant;
- (c) Use public transportation where available;
- (d) Drive themselves or locate someone to drive them and receive mileage reimbursement; or
- (e) Confirm the ride with the brokerage on the day of or the day before the scheduled ride.

(3) Before requiring any modifications, the brokerage shall talk with the client about the reason for imposing a modification, explore modifications that are appropriate to the needs of the client and that address the health and safety concerns of the brokerages. The brokerage or client may include the client's worker, PHP or CCO in the discussion. The client may include other individuals in the discussion.

(4) Brokerages may not make a reasonable modification based on the criteria in section (1)(a)-(g) above that results in a denial of NEMT services to a client and must make all reasonable efforts to offer an appropriate alternative to meet the client's needs under the circumstances.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 414.065

Hist: DMAP 36-2013, f. 6-27-13, cert. ef. 7-1-13; DMAP 58-2013(Temp), f. & cert. ef. 10-30-13 thru 4-28-14; DMAP 11-2014, f. & cert. ef. 3-11-14

Rule Caption: Immunization, Vaccines for Children and Immune Globulins Rule Rewritten Clarifying Language and Removing Table

Adm. Order No.: DMAP 12-2014

Filed with Sec. of State: 3-13-2014

Certified to be Effective: 3-13-14

Notice Publication Date: 2-1-2014

Rules Amended: 410-130-0255

Subject: Immunizations and immune globulins are covered by OHP. This rule explains how providers are reimbursed for administering these services. It addresses billing for providers that are participating in the state's Vaccines for Children (VFC) program, a program that provides vaccine serum at no cost to the medical professional. Providers that participate in the VFC program are reimbursed for their time. Providers not participating in the program are reimbursed for both their time and the expense of obtaining serums. The current revision is to improve readability and the phrase "religious exemption" needed to be replaced with "non-medical exemption" to conform to recent statutory changes. Additionally a table of medical codes included in the rule was problematic because it needed frequent updating. Having the codes in rule necessitated formal rule changes for even minor change to the medical code set. The revised rule will remove the table and instead include a link to the code set that will be easier to maintain.

Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-130-0255

Immunizations, Vaccines for Children, and Immune Globulins

(1) The Division of Medical Assistance Programs (Division) covers immunizations as recommended by the Advisory Committee on Immunization Practices (ACIP) and approved by the Oregon Immunization Program. The approved ACIP recommendations are found in Guideline Note 106 of the Health Evidence Review Commission's Prioritized List of Health Services as referenced in OAR 410-141-0520, <http://www.oregon.gov/oha/OHPR/pages/herc/current-prioritized-list.aspx>.

(2) Providers shall follow the (ACIP) guidelines for immunization schedules. Exceptions include:

(a) On a case-by-case basis, provider may use clinical judgment in accordance with accepted medical practice to provide immunizations on a modified schedule, and;

(b) On a case-by-case basis, provider may modify immunization schedule in compliance with the laws of the State of Oregon, including laws relating to medical and non-medical exemptions for immunizations.

(3) Providers are encouraged to administer combination vaccines when medically appropriate and cost effective.

(4) Providers must use standard billing procedures for adults and for any vaccines that are not part of the Vaccines for Children (VFC) Program.

(5) Vaccines for Children (VFC) is a federal program that provides vaccine serums at no cost to providers for clients ages 0 through 18. All vaccines for this age group and for conditions covered by the VFC program must be obtained through the VFC program. The Division will not reimburse providers for the administration or purchase of privately purchased vaccines if the vaccine could have been obtained through the VFC program. For information about the VFC program or to enroll as a VFC provider, contact the Public Health Immunization Program. The Oregon VFC program website can be located at <http://public.health.oregon.gov/PreventionWellness/VaccinesImmunization/ImmunizationProviderResources/vfc/Pages/index.aspx>

(6) The Division will only reimburse for the administration, not the serum, of vaccines available for free through the VFC Program. Refer to the 12/24/2013 Current Oregon Immunization Program State-Supplied Vaccine Billing Codes table available at <http://bit.ly/1c3T6zy> for a list of vaccines provided through the VFC Program.

(7) To receive reimbursement for vaccine administration, VFC program providers must bill the Division:

(a) With the appropriate vaccine common procedural terminology (CPT) code included;

(b) Including the appropriate modifier -SL or -26; and

(c) Reporting the vaccine administration in addition to an Evaluation and Management service (e.g., well-child visit) if provided on the same date of service;

(8) For clients with private insurance, providers may bill the Division or the client's managed care or coordinated care organization (MCO/CCO) directly for the administration of VFC vaccines. Medicaid and CHIP are not considered the "payer of last resort" for administration of VFC vaccines.

(9) In compliance with Section 1202 of the Affordable Care Act, VFC providers who qualify for the federal primary care rate increase as specified under 42 Code of Federal Regulation (CFR) 447 Subpart G (see also OAR 410-130-0005) are eligible for reimbursement for the administration of VFC vaccines at the Regional Maximum amount:

(a) Effective 1/1/2013 the Regional Maximum amount is \$21.96.

(b) For providers that have met the federal primary care definition, MCO and CCOs are required to reimburse the lessor of:

(A) The Regional Maximum administration fee, or

(B) Medicare 2014 RVU and 2009 conversion factor amount.

(c) MCO and CCOs are not required to reimburse the Regional Maximum amount to providers that have not met the federal primary care definition but may at their option.

(d) For all fee for service providers, the Division reimburses the Regional Maximum amount for the administration of VFC vaccines.

(10) The Division covers immune globulins based on the Prioritized List of Health Services. Synagis (palivizumab-rsv-igm) is covered with prior authorization only for high-risk infants and children. Refer to Guideline Note 69 of the Health Evidence Review Commission's List of Prioritized Services as referenced in OAR 410-141-0520, <http://www.oregon.gov/oha/OHPR/pages/herc/current-prioritized-list.aspx> and Oregon Medicaid Fee-For-Service Prior Authorization Approval Criteria as referenced in 410-121-0040, <http://www.dhs.state.or.us/policy/healthplan/guides/pharmacy/clinical.html#pa>.

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

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.025 & 414.065

ADMINISTRATIVE RULES

Hist.: HR 4-1997, f. 1-31-97, cert. ef. 2-1-97; OMAP 3-1998, f. 1-30-98, cert. ef. 2-1-98; OMAP 17-1999, f. & cert. ef. 4-1-99; OMAP 4-2000, f. 3-31-00, cert. ef. 4-1-00; OMAP 31-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 13-2001, f. 3-30-01, cert. ef. 4-1-01; OMAP 40-2001, f. 9-24-01, cert. ef. 10-1-01; OMAP 2-2002, f. 2-15-02, cert. ef. 4-1-02; OMAP 51-2002, f. & cert. ef. 10-1-02; OMAP 23-2003, f. 3-26-03, cert. ef. 4-1-03; Renumbered from 410-130-0800, OMAP 69-2003 f. 9-12-03, cert. ef. 10-1-03; OMAP 13-2004, f. 3-11-04, cert. ef. 4-1-04; OMAP 58-2004, f. 9-10-04, cert. ef. 10-1-04; OMAP 45-2005, f. 9-9-05, cert. ef. 10-1-05; OMAP 26-2006, f. 6-14-06, cert. ef. 7-1-06; DMAP 5-2007, f. 6-14-07, cert. ef. 7-1-07; DMAP 20-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 18-2009, f. 6-12-09, cert. ef. 7-1-09; DMAP 15-2010, f. 6-10-10, cert. ef. 7-1-10; DMAP 34-2010, f. 12-15-10, cert. ef. 1-1-11; DMAP 43-2011, f. 12-21-11, cert. ef. 1-1-12; DMAP 14-2013(Temp), f. & cert. ef. 3-29-13 thru 9-25-13; DMAP 49-2013, f. & cert. ef. 9-25-13; DMAP 12-2014, f. & cert. ef. 3-13-14

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

Rule Caption: Repeal of Safety Net Capacity Grant Program rules.
Adm. Order No.: OHP 1-2014
Filed with Sec. of State: 2-24-2014
Certified to be Effective: 2-24-14
Notice Publication Date: 2-1-2014
Rules Repealed: 409-110-0000, 409-110-0005, 409-110-0010, 409-110-0015, 409-110-0020
Subject: The Office for Oregon Health Policy & Research is seeking to repeal rules relating to the Safety Net Grant Capacity Program as the grant program has ended.
Rules Coordinator: Zarie Haverkate—(503) 373-1574

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Rule Caption: Amendment of Ambulatory Surgical Reporting relating to fee collection.
Adm. Order No.: OHP 2-2014
Filed with Sec. of State: 2-24-2014
Certified to be Effective: 2-24-14
Notice Publication Date:
Rules Amended: 409-022-0050
Subject: The proposed rule is being amended to allow health care facilities that report ambulatory surgical data per ORS 442.120 to calculate costs and submit fees on a semi-annual, rather than quarterly, basis.
Rules Coordinator: Zarie Haverkate—(503) 373-1574

**409-022-0050
Fees**

- (1) Pursuant to ORS 442.120(3), the Office for Oregon Health Policy and Research (OHPR) has established a fee schedule to cover the cost of abstracting and compiling ambulatory surgery data. Fees are assessed on a per record basis.
- (2) Intent. The intent of the fee schedule is to recover reasonable costs necessary to abstract, compile and maintain the data. Total assessed fees shall not exceed the total costs necessary to abstract, compile, and maintain the data.
- (3) Per Record Fee Calculation. The per record fee shall be calculated by summing the costs necessary to abstract, compile, and maintain the data for the most recent quarter and dividing these costs by the total number of ambulatory surgery discharges during the same semi-annual period.
- (4) Review. If the per record fee calculation equals or exceeds fifty cents (\$0.50), the process for establishing the fee schedule shall be reviewed with a stakeholder group representing both hospital-based and freestanding ambulatory surgery facilities.
- (5) Assessment. The total assessed fees shall be calculated by multiplying the per-record fee by the anticipated number of ambulatory surgery discharges during the calendar year for each ambulatory surgical facility.
- (6) Collection of Fees. Fees shall be paid to the Office for Oregon Health Policy and Research semi-annually. Fees for January 1 through June 30 shall be due no later than December 31; fees for July 1 through December 31 shall be due no later than June 30 of the following year. Payments must be delivered to the address provided on the billing notice. Payments are due no later than the close of business on the due date.
- (7) Compliance. Late payments are subject to recovery in accordance with the laws of the State of Oregon.
- (8) Revenue. Fees and revenue received by OHPR from assessments and permitted uses of the collected data shall be used to pay the calculated costs necessary to abstract, compile, and maintain the data.

(9) Other Funding. Grants, donations, or other funding, if any, obtained by OHPR specifically to abstract, compile, and maintain the data shall be first used to offset the calculated costs necessary to abstract, compile, and maintain the data.

Stat. Auth.: ORS 420.120
Stats. Implemented: ORS 420.120
Hist.: OHP 3-2006, f. 12-14-06, cert. ef. 1-1-07; OHP 2-2014, f. & cert. ef. 2-24-14

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**Oregon Health Authority,
Oregon Educators Benefit Board
Chapter 111**

Rule Caption: Amended to update and include new definitions used by OEGB
Adm. Order No.: OEGB 1-2014
Filed with Sec. of State: 3-7-2014
Certified to be Effective: 3-7-14
Notice Publication Date: 1-1-2014
Rules Amended: 111-010-0015
Rules Repealed: 111-010-0015(T)
Subject: Amendments to 111-010-0015 update and include new definitions used by OEGB. Due to the expanding eligibility criteria, OEGB added a definition that will encompass all of our eligible groups. Additionally, these amendments update OEGB's definition of 'spouse' to be in line with state and federal regulation.
Rules Coordinator: April Kelly—(503) 378-6588

**111-010-0015
Definitions**

Unless the context indicates otherwise, as used in OEGB administrative rules, the following definitions will apply:

- (1) "Actuarial value" means the expected financial value for the average member of a particular benefit plan.
- (2) "Adverse Benefit Determination" means a denial, reduction, or termination of, or a failure to provide or make payment (in whole or in part), for a benefit, including any such denial, reduction, termination, or failure to provide or make payment that is based on but not limited to:
 - (a) A determination of a member's eligibility to participate in the plan;
 - (b) A determination that the benefit is not a covered benefit; or
 - (c) A rescission of coverage, whether or not, in connection with rescission, there is an adverse effect on any particular benefit.
- (3) "Affidavit of Domestic Partnership" means a document that attests the eligible employee and one other eligible individual meet the criteria in section (15)(b).
- (4) "Benefit plan" includes, but is not limited to, insurance or other benefits including:
 - (a) Medical (including non-integrated health reimbursement arrangements (HRAs));
 - (b) Dental;
 - (c) Vision;
 - (d) Life, disability and accidental death;
 - (e) Long term care;
 - (f) Employee Assistance Program Plans;
 - (g) Supplemental medical, dental and vision coverages (including Integrated General Purpose and Integrated Post-Deductible health reimbursement arrangements (HRAs); and Limited Purpose, Post-Separation/Retiree, and Premium Only health reimbursement arrangements (HRAs));
 - (h) Any other remedial care recognized by state law, and related services and supplies;
 - (i) Comparable benefits for employees who rely on spiritual means of healing; and
 - (j) Self-insurance programs managed by the Board.
- (5) "Benefits" means goods and services provided under Benefit Plans.
- (6) "Board" means the ten-member board established in the Department of Administrative Services as the Oregon Educators Benefit Board under chapter 00007, Oregon Laws 2007.
- (7) "Child" means and includes the following:
 - (a) An eligible employee's, spouse's, or domestic partner's biological son or daughter; adopted child; child placed for adoption; or legally placed child, who is 25 or younger on the first day of the month. An eligible employee must provide the required custody or legal documents to their Educational Entity showing proof of adoption, legal guardianship or other court order if enrolling a child for whom the employee, spouse, or domes-

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tic partner is not the biological parent. Grandchildren are only eligible when the eligible employee is the legal guardian or adoptive parent of the grandchild.

(b) A person who is incapable of self-sustaining employment because of a developmental disability, mental illness, or physical disability. There is no age limit for a dependent child who is incapable of self-sustaining employment because of a developmental disability, mental illness, or physical disability. When the dependent child is 26 years of age or older all the following requirements must be met:

(A) The disability must have existed before attaining age 26.

(B) The employee must provide evidence to the Educational Entity or OEBB that (1) the person had health plan coverage, group or individual, prior to attaining age 26, and (2) health plan coverage continued without a gap until the OEBB health plan effective date.

(C) The person's attending physician must submit documentation of the disability to the eligible employee's OEBB health insurance plan for review and approval. If the person receives health plan approval, the health plan may review the person's health status at any time to determine continued OEBB coverage eligibility.

(D) The person must not have terminated from OEBB health plan coverage after attaining the age of 26.

(c) Eligibility for coverage under this rule includes people who may not be dependents under federal or state tax law and may require an Educational Entity to adjust an Eligible Employee's income based on the imputed value of the benefit.

(8) "Comparable cost (Medical, Dental and Vision)" means that the total cost to a district for enrollment in OEBB plans comparable in design to the district's plan(s) do not exceed the total cost to a district for enrollment in the district's plan(s) using the rate(s) in effect or proposed for the benefit plan year.

(9) "Comparable cost (Basic and Optional Life Insurance, Accidental Death & Dismemberment, and Short and Long Term Disability)" means that the premium rates of an OEBB plan design option do not exceed the average, aggregate premium rates of a district's pre-OEBB plan design in effect the year prior to implementation.

(10) "Comparable plan design (Medical, Dental and Vision)" means that the actuarial values of two plan designs are within 2.5 percent higher or lower of each other.

(11) "Comparable plan design (Basic and Optional Life Insurance and Accidental Death & Dismemberment)" means that 90 percent of district employees can obtain a maximum benefit through an OEBB plan design that is within \$2,500 of the maximum benefit obtained through a pre-OEBB plan design in effect the year prior to implementation.

(12) "Comparable plan design (Short and Long Term Disability)" means 90 percent of the district employees can obtain the same elimination period, percentage of covered compensation, definition of covered compensation, coverage period duration, and maximum payment per benefit period through an OEBB plan design as through a pre-OEBB plan design in effect the year prior to implementation.

(13) "Dependent" means and includes the eligible employee's spouse or domestic partner, or child as defined by OAR 111-010-0010(7), unless otherwise defined in another OEBB rule.

(14) "Documented district policies" means Educational Entities' policies and practices that apply to an employee group and are submitted to the Oregon Educators Benefit Board during the plan selection process. Educational Entities' policies and practices must be identified and submitted with the applicable employee group plan selections.

(15) "Eligible Domestic partner," unless otherwise defined by a collective bargaining agreement or documented district policy in effect on January 31, 2008, means and includes the following:

(a) An unmarried individual of the same sex who has entered into a "Declaration of Domestic Partnership" with the eligible employee that is recognized under Oregon law; or

(b) An unmarried individual of the same or opposite sex who has entered into a partnership that meets the following criteria:

(A) Both are at least 18 years of age;

(B) Are responsible for each other's welfare and are each other's sole domestic partners;

(C) Are not married to anyone and have not had a spouse or another domestic partner within the prior six months. If previously married, the six-month period starts on the final date of divorce;

(D) Share a close personal relationship and are not related by blood closer than would bar marriage in the State of Oregon;

(E) Have jointly shared the same regular and permanent residence for at least six months immediately preceding the date the Affidavit of

Domestic Partnership is signed and submitted to the Educational Entity; and

(F) Are jointly financially responsible for basic living expenses defined as the cost of food, shelter and any other expenses of maintaining a household. Financial information must be provided if requested.

(G) The eligible employee and domestic partner must jointly complete and submit to the Educational Entity an Affidavit of Domestic Partnership form, within five business days of the electronic enrollment date or the date the Educational Entity received the enrollment/change form. If the affidavit is not received, coverage will terminate for the domestic partner retroactive to the effective date.

(c) The Eligible Employee must notify the Educational Entity within 31 days of meeting all criteria as defined in 111-010-0015 (15)(b) or obtaining the "Declaration of Domestic Partnership" which is recognized under Oregon law.

(d) Educational Entities' must calculate and apply applicable imputed value tax for domestic partners covered under OEBB benefit plans.

(16) "Educational Entity" means public school districts (K-12), education service districts (ESDs), community colleges and public charter schools participating in OEBB.

(17) "Eligible employee" means and includes an employee of an Educational Entity or Local Government who is actively working or on paid or unpaid leave that is recognized by federal or state law, and:

(a) Is employed in a half time or greater position or is in a job-sharing position; or

(b) Meets the definition of an eligible employee under a separate OEBB rule or under a collective bargaining agreement or documented district policy in effect on January 31, 2008; or

(c) Is an employee of a community college who is covered under a collectively bargained contract and has worked a class load of between 25 percent and 49 percent for a minimum period of two years and is expected to continue to work a class load of at least 25 percent. Coverage is limited to medical to include Kaiser Medical Plan 2 (where available), Moda Health Plan E, Moda Health Plan G, or Moda Health Plan H. Moda Health Plan H can only be elected if the eligible employee is eligible for and actively contributing to a Health Savings Account (HSA). The tiered rate structure will apply to all medical plans.

(18) "Eligible Early Retiree" means and includes a previously Eligible Employee who is:

(a) Not Medicare-eligible; or

(b) Under 65 years old; and

(A) Receiving a service or disability retirement allowance or pension under the Public Employees Retirement System (PERS) or under any other retirement or disability benefit plan or system offered by an OEBB participating organization for its employees;

(B) Eligible to receive a service retirement allowance under PERS and has reached earliest retirement age under ORS Chapter 238;

(C) Eligible to receive a pension under ORS 238A.100 to 238A.245 and has reached earliest retirement age as described in ORS 238A.165; or

(D) Eligible to receive a service retirement allowance or pension under another retirement benefit plan or system offered by an OEBB participating organization and has reached earliest retirement age under the plan or system.

(19) "Employee Group" means employees and early retirees of a similar employment type, for example administrative, represented classified, non-represented classified, confidential, represented licensed, or non-represented licensed, within an Educational Entity. If one or more collective bargaining unit exists within an employee group, each unit will be considered a separate employee group.

(20) "Entity" means an Educational Entity, Local Government or Special district.

(21) "Flexible benefit plan" includes plans that allow contributions on a tax-favored basis including health savings accounts.

(22) "Health Reimbursement Arrangement (HRA)" means an account established and funded solely by the employer that can be used to pay for qualified health care expenses for eligible employees and their spouses and federal tax dependents, up to a maximum dollar amount for a coverage period, and any unused portion of the maximum dollar amount at the end of a coverage period is carried forward to increase the maximum reimbursement amount in subsequent coverage periods. This definition should be interpreted to comply with the guidelines established by the IRS for treatment of HRAs on a tax-favored basis in Technical Release No. 2013-03, IRS Publication 969 and IRS Notice 2002-45. HRA includes, but is not limited to, the following:

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(a) "Integrated General Purpose HRA" is an HRA that allows participants to be reimbursed for all IRS qualified expenses and is available only to eligible employees who are enrolled in an OEGB medical plan as the primary subscriber, or as an eligible dependent.

(b) "Integrated Post-Deductible HRA" is an HRA that allows participants to be reimbursed for expenses up to a certain amount, but only after the participants have met the annual deductible on an OEGB medical plan in which the employee participant is enrolled as the primary subscriber, or as an eligible dependent.

(c) "Limited Purpose HRA" is an HRA that allows participants to be reimbursed for only standard dental, vision, and orthodontia expenses and does not require the employee participant to be enrolled in an OEGB medical plan as the primary subscriber, or as a dependent.

(d) "Non-integrated HRA" is an HRA that allows participants to be reimbursed for all IRS qualified expenses when the employee participant is not enrolled in an OEGB medical plan as the primary subscriber, or as an eligible dependent.

(e) "Post-Separation/Retiree HRA" is an HRA that allows participants to be reimbursed for qualified expenses only after the employee separates/retires and does not require the employee participant to be enrolled in an OEGB medical plan as the primary subscriber, or as a dependent.

(f) "Premium Only HRA" is an HRA that allows participants to be reimbursed only for insurance premiums paid on an after tax basis, where the employee participant has no ability to pay the premium on a pre-tax basis and the HRA does not require the employee participant to be enrolled in an OEGB medical plan as the primary subscriber, or as a dependent.

(23) "Health Savings Account (HSA)" means a tax-exempt trust or custodial account that is set up with a qualified HSA trustee to pay or reimburse certain incurred medical expenses, as defined in 26 U.S.C. Sec. 223(d) and IRS Publication 969.

(24) "High Deductible Health Plan (HDHP)" means a health plan that meets the criteria for a "high deductible health plan" as outlined in 26 U.S.C. Sec. 223(c)(2). Enrollment in an HDHP is one of the requirements that must be met in order to qualify to contribute to a health savings account (HSA).

(25) "Local Government" means cities, counties and special districts in Oregon.

(26) "Members" means and includes the following:

- (a) "Eligible employee" as defined by OAR 111-010-0015(17).
- (b) "Child" as defined by OAR 111-010-0015(7).
- (c) "Domestic Partner" as defined by OAR 111-010-0015(15).
- (d) "Spouse" as defined by OAR 111-010-0015(34).

(27) Newly-hired and newly-eligible employee means a benefit-eligible employee who is being hired at an Entity and has not been employed or eligible for benefits through the hiring Entity in the past six months, or within the same benefit Plan Year.

(28) "Non-subject District" means a community college not yet participating in benefit plans provided by the Oregon Educators Benefit Board, or a charter school whose employees are not considered employees of a school district.

(29) "Oregon Educators Benefit Board or OEGB" means the program created under chapter 00007, Oregon Laws 2007.

(30) "OEGB participating organization" means a Subject District, Non-subject District, or Provisional Non-subject District that participates in benefit plans provided by the Oregon Educators Benefit Board (OEGB).

(31) "Provisional Non-subject District" means a common school district, a union high school district, or an education service district that:

- (a) Was self-insured on December 31, 2006;
- (b) Had an independent health insurance trust established and functioning on December 31, 2006; or
- (c) Can provide comparable plan designs at a comparable cost as defined by sections (8) and (10) of this Rule.

(32) "Qualified Status Change (QSC)" means a change in family or work status that allows limited mid-year changes to benefit plans consistent with the individual event.

(33) "Special district" means any district listed in ORS chapter 198 "Special Districts Generally," or as determined by the Board.

(34) "Spouse" means a person who is married under the laws of the State of Oregon or under the laws of any other state or country. The definition of spouse does not include a former spouse and a former spouse does not qualify as a dependent.

(35) "Subject District" means a common school district, a union high school district, or an education service district that:

- (a) Did not self-insure on January 1, 2007;
- (b) Did not have a health trust in effect on January 1, 2007; or

(c) Does not provide comparable plan designs at a comparable cost as defined by sections (8) and (10) of this rule.

Stat. Auth.: ORS 243.860 – 243.886
Stats. Implemented: ORS 243.864(1)(a)
Hist.: OEGB 2-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08; OEGB 2-2008, f. & cert. ef. 1-4-08; OEGB 10-2008(Temp), f. & cert. ef. 8-13-08 thru 2-6-09; OEGB 1-2009, f. & cert. ef. 1-30-09; OEGB 5-2009(Temp), f. & cert. ef. 3-10-09 thru 9-4-09; OEGB 8-2009, f. & cert. ef. 5-1-09; OEGB 12-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEGB 19-2009, f. & cert. ef. 12-17-09; OEGB 7-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEGB 11-2010(Temp), f. & cert. ef. 10-1-10 thru 1-29-11; OEGB 1-2011, f. & cert. ef. 2-11-11; OEGB 6-2011(Temp), f. & cert. ef. 2-15-11 thru 8-13-11; OEGB 14-2011, f. & cert. ef. 8-2-11; OEGB 15-2011(Temp), f. & cert. ef. 8-2-11 thru 1-28-12; OEGB 16-2011(Temp), f. & cert. ef. 10-1-11 thru 1-28-12; OEGB 20-2011, f. & cert. ef. 10-13-11, cert. ef. 10-14-11; OEGB 22-2011, f. & cert. ef. 12-14-11; OEGB 13-2012, f. & cert. ef. 12-19-12; OEGB 6-2013, f. & cert. ef. 7-12-13; OEGB 12-2013(Temp), f. & cert. ef. 10-11-13 thru 4-8-14; OEGB 19-2013(Temp), f. & cert. ef. 11-19-13 thru 4-8-14; OEGB 20-2013, f. & cert. ef. 12-27-13; OEGB 24-2013(Temp), f. & cert. ef. 12-27-13 thru 4-8-14; OEGB 1-2014, f. & cert. ef. 3-7-14

Rule Caption: Amendments update language when a member returns to benefits eligible status and other housekeeping amendments

Adm. Order No.: OEGB 2-2014

Filed with Sec. of State: 3-7-2014

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Rules Amended: 111-040-0001, 111-040-0005, 111-040-0010, 111-040-0011, 111-040-0015, 111-040-0025, 111-040-0030, 111-040-0040, 111-040-0050

Rules Repealed: 111-040-0001(T), 111-040-0005(T), 111-040-0010(T), 111-040-0011(T), 111-040-0015(T), 111-040-0025(T), 111-040-0030(T), 111-040-0040(T), 111-040-0050(T)

Subject: Amendments update language when a member returns to a benefit eligible status. Other housekeeping amendments to these rules align with the new definition in Division 10, Definitions.

Rules Coordinator: April Kelly — (503) 378-6588

111-040-0001

Effective Dates

(1) Effective Dates for Newly Eligible Employees. Initial benefit elections, unless otherwise specified in a collective bargaining agreement or documented Entity policy in effect on June 30, 2008, are effective on the later of:

(a) The first of the month following a completed online enrollment in the OEGB benefit management system or submission of a paper enrollment or change form, or

(b)(A) The first of the month following the date of hire or the date of eligibility; with the following exception:

(B) The first of the month following approval of Evidence of Insurability for Optional Life Insurance above the guarantee issue amount, Long Term Disability, or Long Term Care insurance.

(2) Effective Dates for Qualified Status Changes. Covered dependent changes are effective the first of the month following the date of the event causing the dependent to be eligible under OEGB administrative rules with the following exceptions:

(a) Coverage for a newborn child is effective on the date of birth. The active eligible employee must add the newborn child to their benefit plans within 60 calendar days from the date of birth in order for the newborn child to be eligible for benefit coverage.

(b) Coverage for a newly adopted child is effective the date of the adoption decree or date of placement for adoption. The active eligible employee must add the adopted child to their benefit plans within 60 calendar days from the date of the decree or placement in order for the newly adopted child to be eligible for benefit coverage; and

(A) The active eligible employee must submit the adoption agreement with the enrollment forms to the Entity.

(B) Claims payments will not be made for expenses incurred prior to the date of decree or placement.

(c) Coverage for an eligible grandchild is as follows:

(A) If the legal guardianship is finalized within the first 60 days following the birth of the grandchild, coverage will be effective retroactive to the date of the birth.

(B) If the legal guardianship is finalized 61 or more days from the date of birth of the grandchild, the coverage will be effective the first of the month following the date the guardianship documents are finalized.

(C) If the legal guardianship is finalized 61 to 180 days from the date of birth of the grandchild, and the effective date of legal guardianship is

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retroactive to the grandchild's date of birth, coverage will be effective retroactive to the date of birth. If legal guardianship is finalized after 180 days coverage will be effective the first of the month following the date the guardianship documents are finalized.

(d) The first of the month following approval of Evidence of Insurability for Optional Spouse/Domestic Partner Life insurance above the guaranteed issue amount, if applicable, or Long Term Care Insurance.

(3) Elections made during an open enrollment period are effective on the first day of the new plan year. There will be a 12-month waiting period for services other than preventive dental exams and cleanings and/or routine vision exams for coverage added during the open enrollment period if enrolling in a dental or vision plan in which the employee and/or dependents were previously eligible.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08; OEBB 14-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEBB 21-2009, f. & cert. ef. 12-17-09; OEBB 9-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 12-2010(Temp), f. & cert. ef. 9-30-10, cert. ef. 10-1-10 thru 1-29-11; OEBB 3-2011, f. & cert. ef. 2-11-11; OEBB 17-2011(Temp), f. & cert. ef. 9-30-11, cert. ef. 10-1-11 thru 3-29-12; OEBB 23-2011, f. & cert. ef. 12-14-11; OEBB 4-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 9-2012, f. & cert. ef. 10-9-12; OEBB 23-2013(Temp), f. & cert. ef. 12-27-13 thru 6-25-14; OEBB 2-2014, f. & cert. ef. 3-7-14

111-040-0005

Termination Dates

(1) Effective October 1, 2011, if an active eligible employee requests a termination of coverage for them self, a spouse, a domestic partner, or a child, coverage ends on the last day of the month that eligibility is lost. Requests for coverage termination must be made consistent with a Qualified Status Change as defined by 111-040-0040.

(2) Retroactive termination of coverage may be made in the event of a delay in the Entities' reconciliation process and shall generally be within 14 days of receiving notification from the employee of the Qualified Status Change event and requested benefit changes.

(3) Effective October 1, 2011, benefit coverage termination that is considered by OEBB to be intentional misrepresentation may be rescinded in compliance with the law. If this occurs, OEBB shall give the affected individual 30 days' notice of the rescission of benefit coverage and an opportunity to appeal before the rescission takes effect.

(4) Benefit coverage for active eligible employees ends on the last day of the month that they retire, unless otherwise determined in a collective bargaining agreement or documented Entity policy in effect on June 30, 2008. Benefit coverage may be continued based on the requirements and limitations in OARs 111-050-0001 through 111-050-0050.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08; OEBB 12-2010(Temp), f. & cert. ef. 9-30-10, cert. ef. 10-1-10 thru 1-29-11; OEBB 3-2011, f. & cert. ef. 2-11-11; OEBB 23-2011, f. & cert. ef. 12-14-11; OEBB 4-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 9-2012, f. & cert. ef. 10-9-12; OEBB 23-2013(Temp), f. & cert. ef. 12-27-13 thru 6-25-14; OEBB 2-2014, f. & cert. ef. 3-7-14

111-040-0010

Newly-hired and Newly-eligible Employees

(1) Newly-hired and newly-eligible employees must enroll in OEBB-sponsored benefit plans through the OEBB benefit management system or paper equivalent within 31 calendar days of the date of hire or date of gaining eligibility, unless determined otherwise in a separate OEBB administrative rule or in a collective bargaining agreement or documented Entity policy in effect on June 30, 2008.

(2) An employee enrolling in OEBB-sponsored benefit plans and terminating employment before the effective date of benefit coverage is not eligible to receive benefits.

Stat. Auth.: 2007 OL Ch. 7

Stats. Implemented: 2007 OL Ch. 7, Sec. 3

Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08; OEBB 4-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 9-2012, f. & cert. ef. 10-9-12; OEBB 23-2013(Temp), f. & cert. ef. 12-27-13 thru 6-25-14; OEBB 2-2014, f. & cert. ef. 3-7-14

111-040-0011

Returning to Benefit Eligible Status

(1) A former Eligible Employee returning to benefit-eligible status with the same Entity following an unpaid leave of absence, or termination of employment, or returning from a strike, lock-out, layoff, within six months of the date eligibility was lost will have their benefit plans and coverages reinstated.

(a) All coverages and plans previously enrolled in will be effective the first of the month following the date eligibility is regained, unless otherwise stipulated in a collective bargaining agreement or documented Entity policy in effect on or before May 1, 2013.

(b) The 12-month late enrollment waiting period for dental and/or vision coverage will only apply if it was in effect at the time coverage was initially lost.

(c) Plan changes or changes to covered dependents may only be made if:

(A) A Qualified Status Change occurred during the period of ineligibility, consistent with OAR 111-040-0040, and requested within 31 days of returning to benefit-eligible status, or

(B) Benefits are being reinstated in a new plan year from which benefits were initially lost.

(2) If reinstatement occurs within the same plan year, medical, dental and vision coverage will be reinstated at the same level as was in effect immediately prior to the loss of eligibility. (i.e., dental incentive levels, amounts applied toward deductibles, annual maximum out-of-pockets and benefit maximums, and benefits beyond routine and basic dental and vision), if applicable.

(3) The Uniformed Services Employment and Reemployment Rights Act (USERRA). USERRA gives an employee and previously covered dependents the right to reinstate coverage upon returning to employment with the Entity in a benefit eligible position with no waiting period.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 3-2013, f. & cert. ef. 4-26-13; OEBB 23-2013(Temp), f. & cert. ef. 12-27-13 thru 6-25-14; OEBB 2-2014, f. & cert. ef. 3-7-14

111-040-0015

Removing an Ineligible Individual from Benefit Plans

(1) An active employee who enrolls them self and/or an eligible person is responsible for removing spouses, domestic partners and children from their OEBB-sponsored benefit plans by submitting completed, applicable forms to their Entity benefits administrator within 31 calendar days after the date the individual becomes ineligible. Coverage ends on the date identified under OAR 111-040-0005.

(2) An Entity is responsible for removing ineligible individuals from the OEBB benefits management system. The Entity must complete such removal within 14 calendar days after:

(a) An event resulting in loss of the employee's eligibility, or

(b) The receipt of notification of an event resulting in loss of eligibility of the employee's spouse, domestic partner or child.

(3) If coverage of an employee's spouse, domestic partner or child is terminated retroactively then:

(a) The employee may be responsible for claims previously paid by the benefit plans to the providers during the period of ineligibility at the carrier's discretion; and

(b) Premium adjustments will be made retroactively based on the coverage end date.

(4) OEBB shall conduct eligibility verifications and reviews to monitor compliance with OEBB administrative rules governing eligibility and enrollment. Eligibility reviews may occur at different times throughout the plan year. The member is responsible to submit documentation upon request. In the event the member does not provide the required documentation in a timely manner to sufficiently prove the dependent meets eligibility requirements, or the documentation provided is insufficient, the dependent's coverage will be terminated. Retroactive terminations may occur if the documentation provided shows the dependent was not eligible for coverage and the member misrepresented the dependent as being an eligible dependent as defined by OAR 111-080-0045.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08; OEBB 9-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 12-2010(Temp), f. & cert. ef. 9-30-10, cert. ef. 10-1-10 thru 1-29-11; OEBB 3-2011, f. & cert. ef. 2-11-11; OEBB 17-2011(Temp), f. & cert. ef. 9-30-11, cert. ef. 10-1-11 thru 3-29-12; OEBB 23-2011, f. & cert. ef. 12-14-11; OEBB 4-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 9-2012, f. & cert. ef. 10-9-12; OEBB 15-2013, f. & cert. ef. 10-23-13; OEBB 23-2013(Temp), f. & cert. ef. 12-27-13 thru 6-25-14; OEBB 2-2014, f. & cert. ef. 3-7-14

111-040-0025

Correcting Enrollment and Processing Errors

(1) Employee Enrollment Errors. Enrollment errors occur when an Eligible Employee provides incorrect information or fails to make correct selections when making benefit plan elections. The Eligible Employee is responsible for identifying enrollment errors or omissions.

(a) OEBB authorizes Entities to correct enrollment errors reported by the Eligible Employee within 45 calendar days of the original eligibility date, open enrollment period end date, or Qualified Status Change date.

(b) Enrollment errors identified after 45 calendar days of the eligibility date, open enrollment period end date or Qualified Status Change date

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must be submitted to OEBB for review and approval based on OAR 111-080-0030.

(2) Benefit Administrator Processing Errors. Processing errors or omissions occur when benefit plan elections are processed incorrectly in the benefit system or when a newly eligible employee does not receive correct enrollment information.

(a) OEBB authorizes Entities to correct processing errors identified within 45 calendar days of the eligibility date, open enrollment period end date, or Qualified Status Change date. The Entity must reconcile all premium discrepancies.

(b) Processing errors identified after 45 calendar days of the eligibility date, open enrollment period end date, or Qualified Status Change date must be submitted to OEBB for review and approval based on OAR 111-080-0030. The Educational Entity must reconcile all premium discrepancies within 30 calendar days of any adjustments made in the system.

(3) The effective date for the correction of either an employee enrollment error or benefit administrator error is retroactive to the original effective date as identified in OAR 111-040-0001.

(4) The OEBB Administrator has the authority to grant exceptions to OEBB's Administrative Rules when there are extenuating circumstances which can be supported by documentation and verified by OEBB staff.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08; OEBB 14-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEBB 21-2009, f. & cert. ef. 12-17-09; OEBB 9-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 3-2011, f. & cert. ef. 2-11-11; OEBB 17-2011(Temp), f. 9-30-11, cert. ef. 10-1-11 thru 3-29-12; OEBB 23-2011, f. & cert. ef. 12-14-11; OEBB 4-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 9-2012, f. & cert. ef. 10-9-12; OEBB 23-2013(Temp), f. & cert. ef. 12-27-13 thru 6-25-14; OEBB 2-2014, f. & cert. ef. 3-7-14

111-040-0030

Late Enrollment

(1) Late enrollment occurs when an active eligible employee fails to notify their Entity of the Qualified Status Change within 31 calendar days, or unless otherwise specified in rule, of:

(a) The date of hire or other benefit eligibility date as identified in OAR 111-040-0001;

(b) The date a spouse, domestic partner, or child gains eligibility;

(c) The date of marriage to a spouse who was most recently enrolled as a domestic partner; or

(d) The date of birth of the employee's biological newborn child;

(e) The date the child was adopted or the date the employee became the legal guardian.

(2) OEBB authorizes Entities to add and/or enroll employees and dependents within 45 calendar days of the eligibility dates referenced in sections (1)(a), (1)(b), and (1)(c) and within 60 calendar days of the eligibility dates referenced in (1)(d) and (1)(e).

(3) OEBB must review and approve all late enrollment requests based on OAR 111-080-0030 when the request and enrollment is made more than 45 calendar days after the eligibility dates referenced in sections (1)(a), (1)(b), and (1)(c), and more than 60 calendar days after the eligibility dates referenced in sections (1)(d) and (1)(e).

(4) Approved late enrollment requests, unless determined otherwise in a collective bargaining agreement or documented district policy in effect on June 30, 2008, are effective the first of the month following the date the request is received by an Entity benefits administrator or OEBB, except for approved requests to add newborn children or newly adopted child which are retroactive to the month the child was born or adopted along with any premium adjustments.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08; OEBB 14-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEBB 21-2009, f. & cert. ef. 12-17-09; OEBB 9-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 3-2011, f. & cert. ef. 2-11-11; OEBB 4-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 9-2012, f. & cert. ef. 10-9-12; OEBB 23-2013(Temp), f. & cert. ef. 12-27-13 thru 6-25-14; OEBB 2-2014, f. & cert. ef. 3-7-14

111-040-0040

Qualified Status Changes (QSC's)

(1) An Eligible Employee experiencing a change in family or work status as noted below after an annual open enrollment, or anytime during the plan year, has 31 calendar days beginning on the date of the event to make allowable changes. If the event is gaining a child, as defined by 111-040-0040(4)(c), or results in a loss of eligibility, the Eligible Employee has 60 calendar days after the event to make allowable changes.

(2) An Eligible Employee can only make changes that are consistent with the event for them self and/or dependents.

(3) An Eligible Employee must report the Qualified Status Change (QSC) to the employee's Entity within the specified timeframe. Failure to

report a QSC that will result in removal of a spouse, domestic partner, or child within the timeframe stated in 111-040-0040(1) may be considered intentional misrepresentation, and OEBB may rescind the individual's coverage back to the last day of the month in which the individual lost eligibility. Please refer to the QSC matrix for details on what changes can occur with each event.

(4) Qualified Status Changes which allow an employee 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 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),

(d) Change in employee group which affects plan option availability;

(e) Spouse or domestic partner starts new employment or other change in employment status which affects eligibility for benefits;

(f) Spouse or domestic partner's employment ends or other change in employment status resulting in a loss of eligibility for benefits under their employer's plan;

(g) Event by which a child satisfies eligibility requirements under OEBB plans;

(h) Event by which a child ceases to satisfy eligibility requirements under OEBB plans;

(i) Changes in the residence of the active eligible employee, spouse, domestic partner, or child (i.e., moving out of the service area of an HMO);

(j) Significant changes in cost of the Eligible Employee's or Early Retiree's current plan and tier level that result in a negative impact of 10 percent or more to:

(A) The amount an active Eligible Employee or Early Retiree must contribute toward benefits.

(B) The amount a spouse or domestic partner must contribute toward his or her group health insurance plan cost.

(k) Different Open Enrollment/Plan Year under a spouse/domestic partner's employer plan.

(l) Related laws or court orders. For example: Qualified Medical Child Support Order (QMCSO), Entitlement to Medicare or Medicaid, HIPAA, or Children's Health Insurance Program (CHIP) Changes are determined by the applicable law or court order.

(5) Changes in coverage, or contribution amounts that result in a reduced amount that an employee or eligible dependent must contribute toward benefits, do not constitute a Qualified Status Change.

(6) The following applies to the Long Term Care benefit plans only:

(a) Cancel the plan at any time without a QSC event.

(b) Plan additions or changes require a QSC event as defined 111-040-0040(2). The addition of a plan or change in plans with a QSC is subject to a medical evidence review by the LTC carrier.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08; OEBB 10-2009(Temp), f. 5-4-09, cert. ef. 5-5-09 thru 10-31-09; OEBB 11-2009, f. & cert. ef. 7-31-09; OEBB 17-2009(Temp), f. & cert. ef. 10-7-09 thru 4-4-10; OEBB 22-2009, f. & cert. ef. 12-17-09; OEBB 2-2010(Temp), f. & cert. ef. 3-3-10 thru 8-29-10; OEBB 6-2010, f. & cert. ef. 8-3-10; OEBB 9-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 12-2010(Temp), f. 9-30-10, cert. ef. 10-1-10 thru 1-29-11; OEBB 3-2011, f. & cert. ef. 2-11-11; OEBB 7-2011(Temp), f. & cert. ef. 2-15-11 thru 8-13-11; OEBB 11-2011, f. & cert. ef. 6-22-11; OEBB 17-2011(Temp), f. 9-30-11, cert. ef. 10-1-11 thru 3-29-12; OEBB 23-2011, f. & cert. ef. 12-14-11; OEBB 4-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 9-2012, f. & cert. ef. 10-9-12; OEBB 23-2013(Temp), f. & cert. ef. 12-27-13 thru 6-25-14; OEBB 2-2014, f. & cert. ef. 3-7-14

111-040-0050

Declination of Coverage

(1) As used in this section:

(a) "Opting out of coverage" means that an otherwise Eligible Employee elects not to enroll in a medical plan and is eligible to receive a portion of the cash contribution or other type of remuneration as provided for under a collective bargaining agreement, documented Entity policy, or employment contract.

(b) "Waiving benefits" means that an otherwise Eligible Employee elects not to enroll in any one of the benefit plans available under the OEBB-sponsored benefits program and is not eligible to receive any portion of a cash contribution or other type of remuneration.

(2) Unless otherwise specified in a collective bargaining agreement, documented Entity policy or employment contract in effect on July 1, 2008, an Eligible Employee may opt out of the OEBB-sponsored medical benefit plans. Eligible Employees electing to opt out must:

(a) Maintain coverage under another employer-sponsored group medical benefit plan;

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(b) Meet the requirements of the Entity opt out program in which they are participating;

(c) Submit their election to opt out through the OEBB benefit management system; and

(d) If requested, provide proof of current coverage under another employer-sponsored group medical benefit plan.

(3) Eligible Employees electing to opt out of the OEBB-sponsored medical benefit plans may enroll in the dental benefit plans, vision benefit plans, and optional benefit plans.

(4) The level and type of funds and allowances retained by Eligible Employees and Entities as a result of opt out programs are determined through collective bargaining agreements and documented Entity policies.

(5) An Entity will provide OEBB with a written description of its opt out program upon request.

(6) An otherwise Eligible Employee may opt-out of medical if the criteria above are met, decline dental and/or vision, or elect any combination of benefits provided under the OEBB-sponsored benefits program, unless otherwise stated in a collective bargaining agreement or documented Entity policy.

(7) Elections to opt out of the medical benefit plans or waive benefits must be made at the time of hire, when initially meeting eligibility, during an open enrollment period, or following a QSC event whereby the OEBB QSC Matrix allows this as an option.

(a) Coverage for previously OEBB-eligible employees or a previously OEBB-eligible dependent enrolling in the dental and/or vision plans during an open enrollment period will be limited to routine and preventive care for the first 12 months and subject to a 12-month waiting period for orthodontia coverage.

(b) An Eligible Employee who enrolls in the dental or vision plans, or adds previously OEBB-eligible dependents to the dental and vision plans following and consistent with a QSC event will not be subject to waiting periods.

(8) An Eligible Employee electing to not enroll when initially eligible for optional insurance plans, or enrolling for more than the guarantee issue amount, will have to go through a medical review. Failure to remit a medical history statement or complete other requirements will result in a declination of requested amounts, or the amount above the guaranteed amount, if applicable.

(9) An Eligible Employee electing to not enroll when initially eligible for optional short term disability will be subject to a late enrollment penalty upon enrollment.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 9-2008, f. 6-25-08, cert. ef. 6-26-08; OEBB 14-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEBB 21-2009, f. & cert. ef. 12-17-09; OEBB 9-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 3-2011, f. & cert. ef. 2-11-11; OEBB 4-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 9-2012, f. & cert. ef. 10-9-12; OEBB 23-2013(Temp), f. & cert. ef. 12-27-13 thru 6-25-14; OEBB 2-2014, f. & cert. ef. 3-7-14

Oregon Health Authority, Oregon Medical Insurance Pool Chapter 443

Rule Caption: Revises safety net plan administration for OMIP members with no January 2014 health coverage.

Adm. Order No.: OMIP 1-2014(Temp)

Filed with Sec. of State: 2-25-2014

Certified to be Effective: 2-26-14 thru 6-30-14

Notice Publication Date:

Rules Adopted: 443-003-0015, 443-003-0020, 443-003-0025, 443-003-0035, 443-003-0070

Subject: Oregon Administrative rules 443-003-0005-0125 create a new temporary safety net insurance and subsidy program for individuals covered under the Oregon Medical Insurance Pool on 12/31/2013 who have not secured health insurance coverage for January 1, 2014. The safety net program serves as bridge coverage until OMIP members enroll in new health care coverage no later than March 31, 2014.

OARs 443-003-0015, 0020,0025,0035, and 0070 are updated to clarify program administration and policies established for the temporary program.

Rules Coordinator: Cindy Bowman—(503) 378-4674

443-003-0015

Eligibility

Individuals eligible for TMIP must meet the following eligibility requirements:

(1) Must be a resident of the state of Oregon;

(2) Must be enrolled in OMIP on December 31, 2013;

(3) Must not be enrolled in Substantially Equivalent Health Benefits or Coverage including Medicaid, CHIP, a qualified health plan (QHP) or commercial market coverage (except when Medicaid or CHIP enrollment is retroactive to the first of the eligibility month and TMIP coverage was already in place.); and

(4) Must not have been disenrolled from TMIP.

Stat. Auth.: ORS 413.032, 413.033

Stats. Implemented: ORS 413.032, 413.033

Hist.: OMIP 1-2013(Temp), f. 12-23-13, cert. ef. 1-1-14 thru 6-30-14; OMIP 1-2014(Temp), f. 2-25-14, cert. ef. 2-26-14 thru 6-30-14

443-003-0020

Premiums and Benefits

(1) Individuals eligible for TMIP must pay a premium rate equal to the rate in effect during December, 2013 for the 2013 OMIP medical benefits plans.

(2) Premiums will be based on the age of the oldest enrolled person under the TMIP policy and are rated incrementally with 5-year age bands.

(3) Benefits, Benefit Limitations, Benefit Exclusions and Claims Administration under the TMIP program are the same as under the OMIP program as of December 31, 2013.

Stat. Auth.: ORS 413.032, 413.033

Stats. Implemented: ORS 413.032, 413.033

Hist.: OMIP 1-2013(Temp), f. 12-23-13, cert. ef. 1-1-14 thru 6-30-14; OMIP 1-2014(Temp), f. 2-25-14, cert. ef. 2-26-14 thru 6-30-14

443-003-0025

Member Termination

The Authority's termination of an enrollee's TMIP coverage will be prospective, except as set forth in OAR 443-003-0100. The Authority will terminate an enrollee's TMIP coverage if any of the following occurs:

(1) An enrollee ceases to be an Oregon resident. Termination will become effective at the end of the month in which the enrollee is no longer an Oregon resident as determined by the Authority.

(2) An enrollee reaches 65 years of age or is disabled and becomes eligible for Medicare. The Authority may terminate coverage effective on the date on which the enrollee's coverage under Medicare becomes effective.

(3) The first of the month following an enrollee's enrollment in a comprehensive health care benefit package under ORS Chapter 414 (Medicaid or CHIP). The Authority may terminate coverage effective on the date on which the enrollee's coverage under Medicaid or CHIP becomes effective.

(4) The Authority discovers that a public entity, employer, health care provider, or any other entity has paid under TMIP or OMIP or is paying the premiums for the enrollee or reimburses him/her for premium payments for the purpose of reducing its own financial loss or obligation. Termination may take effect the date the public entity or health care provider began paying, or reimbursing the enrollee for, the TMIP or OMIP premium.

(5) An enrollee is employed by a business with two or more eligible employees as defined by ORS 743.730 and applied for TMIP or OMIP coverage at the direction of an insurance agent, insurance company, employer or any other entity for the purpose of separating the enrollee from health insurance benefits that the business offers or provides to its employees. Termination may take effect as of the effective date of TMIP coverage.

(6) TMIP discovers that an enrollee had substantially equivalent health care benefits as of the effective date of TMIP or OMIP coverage. Termination may take effect back to the effective date of TMIP coverage. The enrollee may be responsible for reimbursing TMIP for any claims paid.

(7) An enrollee becomes an inpatient or inmate at a State of Oregon correctional or mental institution as defined under ORS 179.321. Termination may take effect the date in which the enrollee became an inpatient or inmate.

(8) TMIP discovers that an enrollee made a material misrepresentation, omission on the application or at anytime during enrollment in OMIP or TMIP, used fraudulent statements or misrepresentation; the coverage may terminate back to the effective date of coverage.

(9) An enrollee misuses the provider network by being disruptive, unruly or abusive in a way that threatens the physical health or well-being of health care staff and seriously impairs the ability of the carrier or its providers to provide service to that enrollee. Termination may take effect at the end of the month for which the enrollee has paid premium.

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(10) An enrolled dependent turns 27 years of age and is not mentally or physically incapacitated. Termination will take effect at the end of the month in which the dependent reached his/her 27th birthday.

(11) An enrolled dependent under 27 years of age marries, is no longer an Oregon resident as defined by TMIP.

(12) The enrollee dies.

(13) An enrollee fails to pay the premium by the premium due date. Termination may take effect at the end of the month for which the enrollee has paid premium.

(14) An enrollee voluntarily requests that TMIP terminate coverage at the end of any period during which the enrollee has paid premiums.

(15) An enrollee's enrollment in OMIP as of December 31, 2013, is terminated, or the enrollee is determined by OHA not to be eligible for OMIP as of December 31, 2013. In such a case the TMIP enrollee's enrollment will be rescinded.

Stat. Auth.: ORS 413.032, 413.033

Stats. Implemented: ORS 413.032, 413.033

Hist.: OMIP 1-2013(Temp), f. 12-23-13, cert. ef. 1-1-14 thru 6-30-14; OMIP 1-2014(Temp), f. 2-25-14, cert. ef. 2-26-14 thru 6-30-14

443-003-0035

Coordination of Benefits

(1) TMIP enrollees may be enrolled in Medicaid or CHIP. During the dual enrollment period, TMIP will be primary payer and Medicaid or CHIP secondary payer.

(2) TMIP enrollees cannot be enrolled in Medicare while they are enrolled in TMIP.

Stat. Auth.: ORS 413.032, 413.033

Stats. Implemented: ORS 413.032, 413.033

Hist.: OMIP 1-2013(Temp), f. 12-23-13, cert. ef. 1-1-14 thru 6-30-14; OMIP 1-2014(Temp), f. 2-25-14, cert. ef. 2-26-14 thru 6-30-14

443-003-0070

Member Invoicing

(1) OHA shall not pay TMIP until the subsidy member's portion of the premium has been received.

(2) Subsidy member payments are due to OHA by the date provided on the monthly invoice.

(3) For subsidy members, unpaid balances greater than \$3.00 are mailed a reminder and given an extension on the original due date.

(4) If the subsidy member's payment is not postmarked by the due date on the reminder, TMIP subsidy may be cancelled.

(5) If OHA fails to send a reminder, the subsidy member shall be billed for two months during the next billing cycle. In these instances:

(a) OHA shall not pay TMIP until the amount due has been paid.

(b) OHA shall not be responsible for TMIP non-payment terminations.

(6) No premiums are required from a member dually enrolled in TMIP and a comprehensive health care benefit package under ORS Chapter 414 (Medicaid or CHIP).

Stat. Auth.: ORS 413.032, 413.033

Stats. Implemented: ORS 413.032, 413.033

Hist.: OMIP 1-2013(Temp), f. 12-23-13, cert. ef. 1-1-14 thru 6-30-14; OMIP 1-2014(Temp), f. 2-25-14, cert. ef. 2-26-14 thru 6-30-14

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

Rule Caption: Medical Marijuana Facilities

Adm. Order No.: PH 8-2014(Temp)

Filed with Sec. of State: 2-19-2014

Certified to be Effective: 2-21-14 thru 7-13-14

Notice Publication Date:

Rules Adopted: 333-008-1190

Rules Suspended: 333-008-1190(T)

Subject: The Oregon Health Authority, Public Health Division is temporarily adopting OAR 333-008-1190 pertaining to medical marijuana facilities. This rule adoption makes a correction to a version of temporary OAR 333-008-1190 filed January 15, 2014 related to testing standards. The initial testing standards contained in the rules filed January 15, 2014 were the best that were available at that time. Subsequent to the rule filing in January, standards for testing were published that have been accepted across the country. The new standards better reflect how medical marijuana should be tested.

Rules Coordinator: Alayna Nest—(971) 673-1291

333-008-1190

Testing

(1) A PRF must ensure that usable marijuana and immature plants are tested for pesticides, mold and mildew in accordance with this rule prior to the usable marijuana or immature plants being transferred to a patient or a designated primary caregiver.

(2) Upon usable marijuana being transferred to a registered facility in accordance with OAR 333-008-1230, the PRF must ensure the usable marijuana is segregated into batches, that each batch is placed in an individual container or bag, and that a label is attached to the container or bag that includes at least the following information:

(a) A unique identifier;

(b) The name of the person who transferred it; and

(c) The date the usable marijuana was received by the registered facility.

(3) Sampling. A PRF must ensure that random samples from each batch are taken in an amount necessary to conduct the applicable test, that the samples are labeled with the batch's unique identifier, and submitted for testing.

(4) Testing. A PRF must ensure that each sample is tested for pesticides, mold, and mildew and for an analysis of the levels of tetrahydrocannabinol (THC) and Cannabidiol (CBD).

(a) Immature Plants. An immature plant may be tested for pesticides, mold or mildew by conducting a macroscopic or microscopic screening to determine if the plant has visible pesticide residue, mold or mildew.

(b) Flowers or other usable marijuana plant material. Usable marijuana in the form of flowers or other plant material must be:

(A) Tested for pesticides, mold and mildew using valid testing methodologies and macroscopic or microscopic screening may not be used;

(B) Tested for pesticides by testing for the following analytes:

(i) Chlorinated Hydrocarbons;

(ii) Organophosphates;

(iii) Carbamates; and

(iv) Pyrethroids; and

(C) Analyzed, using valid testing methodologies, to determine the levels of THC and CBD.

(c) Edibles, Liquids and Solid Extracts. If the usable marijuana used in the edible, liquid or solid extract has been tested in accordance with this rule and tested negative for pesticides, mold or mildew, the edible, liquid or solid extract does not need to be tested for pesticides, mold and mildew but does need to be tested for an analysis of the levels of THC and CBD. If the usable marijuana used in the edible, liquid, or solid extract was not tested in accordance with this rule, the edible, liquid or solid extract must be tested for pesticides, mold or mildew in accordance with subsection (4)(b) of this rule.

(5) Laboratory Requirements. A PRF must ensure that all testing, except for testing of immature plants, is done by a third party or in-house laboratory that:

(a) Uses valid testing methodologies; and

(b) Has a Quality System for testing of pesticides, mold and mildew that is compliant with the:

(A) 2005 International Organization for Standardization 17025 Standard; or

(B) 2009 National Environmental Laboratory Accreditation Conference Institute TNI Standards.

(6) Macroscopic or microscopic screening of immature plants must be conducted by a person who has a minimum of a bachelor's degree in horticulture, botany, plant pathology, microbiology, or an equivalent degree but is not required to be done by a laboratory.

(7) Testing Results. A laboratory must provide testing results to the PRF signed by an official of the laboratory who can attest to the accuracy of the results, and that includes the levels of pesticides, mold or mildew detected and the levels of THC and CBD.

(a) If an immature plant has visible pesticide residue, mold or mildew it must be deemed to test positive and must be returned to the person who transferred the immature plant to the registered facility.

(b) A sample of usable marijuana shall be deemed to test positive for mold and mildew if the sample has levels that exceed the maximum acceptable counts in Appendix A.

(c) A sample of usable marijuana shall be deemed to test positive for pesticides with a detection of more than 0.1 parts per million of any pesticide.

(8) If an immature plant or sample of usable marijuana tests positive for pesticides, mold or mildew based on the standards in this rule the PRF must ensure the entire batch from which the sample was taken is returned

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to the person who transferred the immature plant or usable marijuana to the registered facility and must document how many or how much was returned, to whom, and the date it was returned.

(9) A registered facility may perform its own testing as long as the testing complies with this rule.

(10) The PRF may permit laboratory personnel or other persons authorized to do testing access to secure or restricted access areas of the registered facility where usable marijuana or immature plants are stored. The PRF must log the date and time in and out of all such persons.

Stat. Auth.: ORS 475.314 & 475.338

Stats. Implemented: ORS 475.314

Hist.: PH 2-2014(Temp), f. 1-14-14, cert. ef. 1-15-14 thru 7-13-14; PH 8-2014(Temp), f. 2-19-14, cert. ef. 2-21-14 thru 7-13-14

**Oregon Health Licensing Agency,
Board of Cosmetology
Chapter 817**

Rule Caption: General administrative rule clean-up and align exemptions with statutory requirements.

Adm. Order No.: BOC 1-2014

Filed with Sec. of State: 2-27-2014

Certified to be Effective: 3-1-14

Notice Publication Date: 11-1-2013

Rules Adopted: 817-020-0325, 817-020-0350, 817-035-0093, 817-035-0095

Rules Amended: 817-005-0005, 817-010-0007, 817-010-0021, 817-010-0035, 817-010-0040, 817-010-0055, 817-010-0060, 817-010-0065, 817-010-0068, 817-010-0069, 817-010-0075, 817-010-0085, 817-010-0095, 817-010-0101, 817-010-0106, 817-010-0110, 817-015-0030, 817-015-0065, 817-020-0001, 817-020-0006, 817-020-0007, 817-020-0009, 817-020-0305, 817-030-0003, 817-030-0005, 817-030-0030, 817-030-0071, 817-030-0080, 817-035-0010, 817-035-0048, 817-035-0050, 817-035-0052, 817-035-0068, 817-035-0070, 817-035-0090, 817-035-0110, 817-060-0010, 817-060-0020, 817-060-0030, 817-060-0050, 817-090-0025, 817-090-0045, 817-090-0050, 817-090-0055, 817-090-0065, 817-090-0070, 817-090-0075, 817-090-0085, 817-090-0090, 817-090-0105, 817-090-0110, 817-090-0115, 817-100-0005, 817-120-0005

Rules Repealed: 817-010-0009, 817-010-0300, 817-015-0010, 817-080-0005

Subject: Passage of HB 2101 by the 2013 Legislature enables the Oregon Health Licensing Agency (agency) to standardize authorization status for all agency programs and define "authorization" to be applied uniformly throughout agency statutes. Amendments were made to use the term "authorization" to mean certificate, license, registration, permit and freelance authorization when a rule is applicable to all of these authorization types.

General amendments have been made to align with current statute, agency and statewide rulemaking standards and principles.

Definitions have been further consolidated. Many definitions have been repealed and others where integrated into the relevant rule where the term is used.

Repeal rules related to communicable and blood borne disease as it is unlawful under the American with Disabilities Act (ADA) for a state to prevent an individual from practicing cosmetology based on that individual's communicable and blood borne disease status.

Repeal rule which allows facilities to apply for a variance as it relates to safety and infection control rules. There is no statutory authority or agency process to accommodate this rule.

Amend client record requirements to require applicable certificate holders to collect and maintain the client information.

Revise rules related to requirements for facilities, independent contractors and freelance authorization holders to disclose information regarding Secretary of State Corporation Division business name and corporation requirements.

Clarify rule regarding exemptions for persons working within licensed health care facility in accordance with ORS 690.025. Specify the services which are prohibited under the exemption including chemical services and requirements for obtaining a facility license

when the exemption requirements are not met or the person no longer qualifies for the exemption.

Adopt application requirements for individuals seeking a temporary facility permit or a demonstration permit.

Amend rule which prescribes renewal requirements. Clarify that an independent contractor registration and freelance authorization do not become invalid but instead become dormant.

Require that facilities, independent contractors and freelance authorization holders post their most recent inspection certificate in public view.

Repeal all exemptions under rule, with the exception of defining domestic administration. Passage of SB 836 by 2013 Legislature (Grimm Bill) further clarified those persons exempt from certification when temporary makeup and spraying and combing of hair is being done solely for a professional photograph or for theatrical purposes. The legislative change makes several rule exemptions no longer applicable.

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

Rules Coordinator: Samantha Patnode—(503) 373-1917

817-005-0005

Definitions

The following definitions apply to OAR chapter 817, divisions 5 through 120.

(1) "Adequate ventilation" means ventilation by natural or mechanical methods which removes or exhausts fumes, vapors, or dust to prevent hazardous conditions from occurring in accordance with OAR 437, Division 2, or to allow the free flow of air in a room in proportion to the size and capacity of the room.

(2) "Affidavit of Licensure" means an original document or other approved means of verifying licensure history, including information disclosing all unresolved or outstanding penalties and/or disciplinary actions. Refer to OAR 331-030-0040.

(3) "Agency" means the Oregon Health Licensing Agency.

(4) "Article" means those items which complement services provided in the practice of barbering, hair design, esthetics or nail technology, including but not limited to neck-strips, neck dusters, towels or linens, and cloth or plastic capes.

(5) "Authorization" has the definition set forth in ORS 676.580 and means a certificate, license, permit or registration issued by the Oregon Health Licensing Agency that allows a person to practice one of the occupations or professions or maintain a facility subject to the authority of the boards and councils listed in 676.583.

(6) "Barbering" has the definition set forth in ORS Chapter 690.005.

(7) "Chemical service" means the use of any product which restructures or removes hair or changes the shape or appearance of skin, hair or nails.

(8) "Common area" means an area of a facility which is used by all authorization holders performing services, including, but not limited to reception areas, dispensing areas, sinks, shampoo bowls, hair dryers, hair dryer areas and employee lounges.

(9) "Disinfect" means using a process to destroy harmful organisms, including bacteria, viruses, germs and fungi.

(10) "Dispensing area" means an area with non-porous surfaces and a sink with hot and cold running water where service preparations are conducted, including, but not limited to, mixing of chemicals, cleaning of tools and equipment, disposing of residues and rinsing parts of the body exposed to chemicals.

(11) "Educational Institution" means an Oregon high school under ORS 335, Oregon career school licensed under ORS 345 or an Oregon community college under ORS 341.

(12) "EPA" means Environmental Protection Agency, a branch of the federal government, which approves and registers chemical compounds and agents.

(13) "Equipment" means those items needed to operate a facility, including, but not limited to, waiting chairs, barber or styling chairs, shampoo chairs, cabinets, sinks, shampoo bowls, stationary dryers, pedicure bowls or whirlpool foot spas, paraffin wax containers, and nail technology tables.

(14) "Esthetics" has the definition set forth in ORS 690.005.

(15) "Facility" has the definition set forth in ORS 690.005.

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(16) "Field of practice" has the definition set forth in ORS 690.005.

(17) "Fire retardant container" means an airtight metal container for disposing of chemical waste or storing linens with chemical residue.

(18) "Freelance license" has the definition set forth in ORS 690.005.

(19) "Hair design" has the definition set forth in ORS 690.005.

(20) "High-level disinfectant" means a chemical agent, which has demonstrated tuberculocidal activity and is registered with the EPA.

(21) "Independent Contractor" has the definition set forth in ORS 690.005.

(22) "Low-level disinfectant" means a chemical agent which has demonstrated bactericidal, germicidal, fungicidal, and limited virucidal activity and is registered with the EPA.

(23) "Materials and supplies" means those items which complement the use of tools, including but not limited to hair tints, bleaches, permanent wave solutions, hair oils, shampoos, rinses, disinfectants, and chemicals.

(24) "Nail Technology" has the definition set forth in ORS 690.005.

(25) "Natural Hair Care" has the definition set forth in ORS 690.005.

(26) "Natural Person" means a living, individual, human being.

(27) "Official transcript" means:

(a) An original document authorized by the appropriate office in the Oregon Department of Education and certified by an educational institution indicating applicant identity information, each field of practice enrolled under, specific hour requirements for each field of practice if applicable, final practical examination scores for each field of practice, enrollment information and a signature from an authorized representative on file with the agency. Original documents must be submitted directly to the agency from the educational institution by United States Postal Service mail or other recognized mail service providers in a sealed envelope; OR

(b) A document authorized by the appropriate office in the Oregon Department of Education and certified by an educational institution indicating identity information, each field of practice enrolled under, specific hour requirements for each field of practice if applicable, final practical examination scores for each field of practice, enrollment information and a signature from an authorized representative on file with the agency. Non-original documents are only accepted when approved by the Agency.

(28) "Practitioner" has the definition set forth in ORS 690.005.

(29) "Premises" means the entire area of a facility, licensed by the agency as a facility defined under ORS 690.005.

(30) "Sharp edged or pointed, non-electrical tools and implements" means those items which may on occasion pierce or cut the skin and draw blood, including razors, cuticle nippers, cuticle pushers, nail clippers, tweezers, comedone extractors, shears, and metal nail files.

(31) "Soiled" means an article that has been used and has not been cleaned or disinfected for use on the next client.

(32) "Tools and implements" means all portable articles and instruments, which the authorization holder uses when performing services on clients, including, but not limited to combs, shears, clippers and yoyettes.

(33) "Work area" means an area where services are performed and preparations are conducted, including, but not limited to shampoo area, work stations and dispensing area.

Stat. Auth.: ORS 690.165 & 690.205(1)

Stats. Implemented: ORS 690.165 & 690.105(1)

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 1-1982, f. & ef. 1-29-82; BH 2-1982, f. & ef. 3-31-82; BH 1-1983(Temp), f. & ef. 10-4-83; BH 4-1984, f. & ef. 12-7-84; Renumbered from 817-010-0002; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BH 2-1996, f. 6-28-96, cert. ef. 7-1-96; BH 1-1997, f. 7-22-97, cert. ef. 8-1-97; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 2-2001, f. 2-16-01, cert. ef. 3-1-01; BOC 1-2002, f. 5-31-02, cert. ef. 6-1-02; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2005, f. 6-17-05, cert. ef. 7-1-05; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 1-2009, f. & cert. ef. 6-1-09; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-010-0007

Compliance with All Applicable Regulations

(1) Authorization holders must observe the Department of Human Services, Oregon Health Authority, and other city, county and state regulations.

(2) Authorization holders must adhere to all city, county, state and federal ventilation requirements.

Stat. Auth.: ORS 690.165

Stats. Implemented: ORS 690.165 & 654

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 3-1994, f. 6-23-94, cert. ef. 7-1-96; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BOC 2-2001, f. 2-16-01, cert. ef. 3-1-01; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-010-0021

Restroom/Toilets and Water Disposal

(1) Restrooms must be available for employees. The restroom must be on the facility premises or in an adjoining premise which is reasonably accessible from any work area.

(2) All restrooms on facility premises must be kept clean, sanitary and in proper working order at all times.

(3) All liquid waste from toilets and sinks must be discharged directly into a public sewer or, in the absence of a public sewer, by method meeting the requirements of ORS Chapter 454 (sewage treatment and disposal systems).

Stat. Auth.: ORS 690

Stats. Implemented:

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; Renumbered from 817-010-0026; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-010-0035

Towels or Linens

An authorization holder must:

(1) Use clean towels or linens for each client.

(2) Store clean towels and linens in a clean area.

(3) Use closable containers large enough and sturdy enough to store all soiled towels or linens.

(4) Store chemically soiled towels or linens in fire-retardant containers.

(5) Launder towels or linens by a regular commercial laundering or by a non-commercial laundering process, which includes use of commercial laundry detergent manufactured for the purpose of cleaning clothes, linens or other washable fabric, and immersion in hot water during the hot water wash/rinse operation.

Stat. Auth.: ORS 690.205

Stats. Implemented: ORS 690.205

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-010-0040

Articles in Contact with a Client

(1) A neck strip or towel must be placed around the client's neck to prevent direct contact between a common use hair cloth or cape and the client's skin.

(2) All items which come in direct contact with the client's skin but do not require disinfecting must be clean.

(3) All articles which come in direct contact with the client's skin and cannot be cleaned or disinfected must be disposed of in a covered waste receptacle immediately after use.

Stat. Auth.: ORS 690.205

Stats. Implemented: ORS 690.205

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-010-0055

Materials in Contact with a Client and Use of Paraffin Wax

(1) All substances, including paraffin wax, used within a field of practice must be dispensed from containers in a manner to prevent contamination of the unused portion.

(2) Paraffin wax must be used in such a manner that prevents contamination of wax remaining in the paraffin bath or container, such as application with a single use or sanitized spatula or applicator, or disposal of any used wax.

(3) Paraffin must be covered when not in use, and maintained at a temperature specified by the manufacturer's instructions.

Stat. Auth.: ORS 690.205

Stats. Implemented: ORS 690.205

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-010-0060

Refuse and Waste Material

(1) All chemical waste material must be disposed of in a closed container at the conclusion of each service and disposed of in a fire retardant container at the end of each business day.

(2) All waste related to the performance of services must be disposed of in a covered container to avoid blood or other potentially infectious materials.

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(3) All waste unrelated to performance of services must be disposed of in a covered waste disposal container. Containers located in the reception area, which do not contain waste relating to performance of services, are exempt from having covers.

(4) All outer surfaces of waste disposal containers must be kept clean.

(5) All waste which contains blood or other potentially infectious materials must be disposed of in a glove or plastic bag and then disposed of in a covered container with a garbage liner immediately following the service.

(6) All disposable sharp objects that come in direct contact with blood or other potentially infectious materials must be disposed of in a sealable rigid (puncture-proof) container to avoid cuts or punctures during the disposal process.

(7) Authorization holders must have sealable plastic bags and sealable rigid containers available for use at all times services are being performed.

Stat. Auth.: ORS 690.205

Stats. Implemented: ORS 690.205

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 2-1982, f. & ef. 3-31-82; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-010-0065

Requirements and Standards

(1) All tools and implements that come in direct contact with clients, must be disinfected or disposed of after each use.

(2) Low-level and high-level disinfectants must meet the requirements defined under OAR 817-005-0005.

(3) Adequate disinfecting and sterilizing equipment must be maintained for the volume of business and usage requirements for the number of authorization holders performing services,

(4) If sterilization equipment is used, the equipment must be maintained and used according to manufacturer's instructions.

(5) When used according to the manufacturer's instructions, each of the following is an approved method of disinfecting tools and implements:

(a) Complete immersion in an appropriate disinfectant according to OAR 817-005-0005.

(b) Steam sterilizer, registered and listed with the U.S. Food and Drug Administration; or

(c) Dry heat sterilizer or autoclave, registered and listed with the U.S. Food and Drug Administration.

(6) All disinfectants listed in subsection (2) of this rule must be kept at adequate strengths to maintain effectiveness, be free of foreign material and be available for immediate use at all times when the facility is open for business.

(7) Nail files, pumice blocks, cosmetic sponges, buffer blocks, sanding bands or sleeves, orangewood sticks, disposable nail bits and other similar articles must be given to the client or discarded after use on a client. Presence of used articles in the work area may be used as prima facie evidence of re-use of those articles.

(8) Protective gloves that are not cleaned with soap and water and disinfected must be disposed of after use on a client.

(9) All manual or mechanical devices and equipment used in a field of practice must meet all "product registration requirements" imposed by any federal, state, county, or local authority.

(10) Verification and documentation must be maintained and accessible for any device classified by the U.S. Food and Drug Administration (FDA) that is used in a field of practice.

(11) The documentation requirements described in section (10) of this rule apply to specialized items used in a field of practice and may not apply to those items used in the delivery of basic services, which have been defined as an "article," equipment," or "materials and supplies" in OAR chapter 817, division 005, such as scissors, combs, orangewood sticks, shampoo bowls, styling chairs or nail files.

(12) Use of any manual or mechanical device or equipment must be within the operator's scope of practice under ORS 690, be consistent with the manufacturer's intended use of the device, and with client health and safety. In determining whether the use of any manual or mechanical device or equipment is consistent with client health and safety, the agency will consider the information provided in the documentation required by section (10) of this rule.

(13) Any manual or mechanical device or equipment used in a field of practice is subject to inspection and the documentation required by section (10) of this rule must be made available upon demand.

(14) All laser hair reduction skin care services must comply with requirements of the March 16, 2007, edition of the American National Standards for Safe Use of Lasers (ANSI) Z136.1-2007.

Stat. Auth.: ORS 690.205

Stats. Implemented: ORS 690.205

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 2-1980, f. & ef. 5-29-80; BH 2-1982, f. & ef. 3-31-82; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BH 1-1997, f. 7-22-97, cert. ef. 8-1-97; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 4-2001(Temp), f. & cert. ef. 11-1-01 thru 4-29-02; BOC 1-2002, f. 5-31-02 cert. ef. 6-1-02; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 1-2008, f. 5-27-08, cert. ef. 6-1-08; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-010-0068

Disinfecting Non-Electrical Tools and Implements

(1) All tools and implements used within a field of practice must be disinfected before use on each client. To disinfect non-electrical tools and implements:

(a) Remove all hair and all foreign material;

(b) Clean thoroughly with soap or detergent and water;

(c) Rinse thoroughly with clear, clean water; and

(d) Complete process as outlined in section (2) or (3) of this rule; or

(e) Sterilize, using one of the approved methods listed in OAR 817-010-0065(5)(b) or (c).

(2) For all tools and implements without sharp edges or points, including but not limited to combs, brushes, rollers, rods, etc., completely immerse according to manufacturer's instructions in a solution containing 1,000 parts per million (ppm) of a commercial quaternary ammonium compound or other low-level disinfectant used according to the manufacturer's instructions.

(3) For all tools and implements with sharp edges or points completely immersed in a high-level disinfectant used according to the manufacturer's instructions.

Stat. Auth.: ORS 690.165 & 690.205

Stats. Implemented: ORS 690.165 & 690.205

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 2-1980, f. & ef. 5-29-80; BH 2-1982, f. & ef. 3-31-82; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BH 1-1997, f. 7-22-97, cert. ef. 8-1-97; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-010-0069

Disinfecting Electrical Tools and Implements

(1) All electrical tools and implements, with the exception of clipper blades, must be disinfected before each use. To disinfect electrical tools and implements:

(a) Remove all hair and all foreign material;

(b) Disinfect with a low-level disinfectant used according to the manufacturer's instructions.

(2) Electrical clipper blades must be disinfected before each use. The method is as follows:

(a) Remove all hair and all foreign material;

(b) Completely saturate clipper blade with a high-level disinfectant solution, spray, or foam used according to the manufacturer's instructions.

(3) Electrical clipper blades may be sterilized, using one of the approved methods listed in OAR 817-010-0065(5)(b) or (c).

Stat. Auth.: ORS 676.605, 690.165 & 690.205

Stats. Implemented: ORS 676.605, 690.165 & 690.205

Hist.: BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-010-0075

Storage of Tools and Implements

(1) New, disinfected and cleaned tools and implements must be stored separately from all others.

(2) Roller-storage receptacles and their contents must be clean and free of foreign material.

(3) All storage drawers used for clean tools and implements must be clean, free of hair and used only for clean tools and implements.

(4) Storage cabinets, work stations and vanities must be kept clean.

Stat. Auth.: ORS 676.605, 690.165 & 690.205

Stats. Implemented: ORS 676.605, 690.165 & 690.205

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BOC 4-2001(Temp), f. & cert. ef. 11-1-01 thru 4-29-02; BOC 1-2002, f. 5-31-02 cert. ef. 6-1-02; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-010-0085

Hairpieces

(1) During the trying on of a manufactured hairpiece, that portion of the head which comes in contact with the hairpiece must be completely covered with a disposable cover.

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(2) All used hair goods must be cleaned according to manufacturer's instructions before resale and marked as "used."

Stat. Auth.: ORS 690

Stats. Implemented:

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 2-1990, f. & cert. ef. 10-29-90; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-010-0095

Pets in Facilities

Pets or other animals are not permitted in the business facility. This prohibition does not apply to service animals recognized by the American with Disabilities Act or to fish in aquariums or nonpoisonous reptiles in terrariums.

Stat. Auth.: ORS 690

Stats. Implemented:

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-010-0101

Equipment

(1) The surface of all equipment, including, but not limited to back-bars must be made of cleanable non-porous material. This requirement does not apply to the reception area of a facility where services are not performed.

(2) Shampoo bowls and sinks must be clean and free of hair and residue.

(3) All equipment must be clean and in good repair.

(4) All surfaces contaminated by blood or other potentially infectious materials must be disinfected with a high-level solution according to manufacturer's instructions.

(5) All areas of foot spa equipment must be cleaned and disinfected with a high-level disinfectant after use on each client, including removal of safety drain screens and clearing of all debris from the filtration system.

Stat. Auth.: ORS 676.605, 690.165 & 690.205

Stats. Implemented: ORS 676.605, 690.165 & 690.205

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BOC 4-2001(Temp), f. & cert. ef. 11-1-01 thru 4-29-02; BOC 1-2002, f. 5-31-02 cert. ef. 6-1-02; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 1-2009, f. & cert. ef. 6-1-09; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-010-0106

Floor Surface

(1) Floor surfaces in the working area of a facility must be made of a cleanable, non-porous material and must be kept clean, orderly, and in good repair.

(2) Wooden floors which have a durable water-proof non-porous finish may be acceptable in working areas of the facility.

(3) Hair clippings must not be allowed to accumulate and must be disposed of in a covered container.

Stat. Auth.: ORS 690.165(3) & 690.205

Stats. Implemented: ORS 690.165(3) & 690.205

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BH 1-1997, f. 7-22-97, cert. ef. 8-1-97; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-010-0110

Walls and Ceilings

Walls and ceilings must be clean and free of condensation, mildew and excessive spots, or peeling paint.

Stat. Auth.: ORS 690

Stats. Implemented:

Hist.: BH 2-1978, f. & ef. 11-29-78; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-015-0030

Serving Clients

(1) When providing services in a field of practice an authorization holder must:

(a) Observe and follow thorough hand washing with soap and water or other alternative hand-washing products, such as gel, aerosol spray, foam, or pre-packaged hand wipes, immediately before and after serving each client to prevent cross contamination and exposure to blood or other potentially infectious materials.

(b) Wear single-use disposable protective gloves when performing a service or procedure that routinely involves exposure to blood or other potentially infectious materials.

(c) Wear eye goggles, shields or a mask if spattering is likely to occur while services are being performed.

(d) Dispose of refuse and waste materials that come in contact with blood or other potentially infectious materials according to provisions of OAR 817-010-0060.

(2) Head lice may be treated at the discretion of the authorization holder. Compliance with OAR chapter 817, division 10 Safety and Infection Control Rules: Facility Standards, must be observed and followed.

Stat. Auth.: ORS 676.605, 690.165 & 690.205

Stats. Implemented: ORS 676.605, 690.165 & 690.205

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; Renumbered from 817-010-0130(2); BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; Renumbered from 817-010-0125; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-010-0135; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-015-0065

Client Records

(1) An authorization holder providing esthetic or nail technology services is responsible for collecting and maintaining copies of client records. If client records are maintained by the facility the facility license holder must provide the practitioner certificate holder who is providing the services, with copies of those client records upon request. The record must include:

(a) Basic client information including the client's name, address, telephone number, type of service and date of service;

(b) The name authorization holder and practitioner certificate number of the practitioner providing the service, and special instructions or notations pertinent to providing esthetic or nail technology services to the client, includes but is not limited to, bleeding disorders, allergies or sensitivities to chemicals or products or complications during service(s); and

(c) Medical advice, if obtained.

(2) Client records must be kept at the facility for a minimum of two years and must be made available immediately upon request from an enforcement officer of the Oregon Health Licensing Agency.

(3) An authorization holder is prohibited from providing services to a client who refuses to provide the personal information required in subsection (1)(a) of this rule unless the client signs a waiver form documenting the client's refusal to provide the required information. The signed waiver form must be retained on file in the manner required in subsection (2) of this rule for client records.

(4) An authorization holder providing laser hair reduction services must comply with client intake assessment and record keeping requirements of OAR 817-015-0070.

Stat. Auth.: ORS 676.605 & 690.165

Stats. Implemented: ORS 676.605 & 690

Hist.: BOC 1-2002, f. 5-31-02 cert. ef. 6-1-02; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 1-2008, f. 5-27-08, cert. ef. 6-1-08; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-020-0001

Facility License

(1) Pursuant to ORS 690.055 a facility license must be obtained when operating a business establishment, providing services in one or more fields of practice defined in ORS 690.005.

(2) A facility license is valid for one year and becomes inactive on the last day of the month one year from the date of issuance.

(3) The holder of a facility license must be a natural person.

(4) The facility license holder may be a facility owner, facility manager, or any other natural person.

(5) A facility license is not transferable; the license is not transferable from person-to-person or from location to location. If an existing facility moves or relocates to a new physical address, the facility license holder must submit a new application and meet requirements of OAR 817-020-0006. A natural person may hold more than one facility license, but must submit a separate application, pay required fees and qualify for a facility license for each location.

(6) A facility license holder must meet and adhere to all applicable requirements listed under OAR Chapter 817, division 10, 15, 35, 60, 817-020-0007 and if applicable 817-020-0009.

Stat. Auth.: ORS 676.607, 676.612, 676.615, 676.992, 690.057, 690.085, 690.123, 690.165, 690.167 & 690.205

Stats. Implemented: ORS 676.607, 676.612, 676.992, 690.046, 690.055, 690.165, 690.085 & 690.123

Hist.: BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-020-0006

Application Requirements for Facility Licensure

To obtain a facility license the applicant must meet the requirements of OAR 331 division 30 and submit the following:

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(1) A completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required fees;

(2) Proof of being 18 years of age. Documentation may include identification listed under OAR 331-030-0000;

(3) A map or directions to the facility if it is located in a rural or isolated area;

(4) A list of authorization holders providing services in the facility;

(5) The name of facility; and

(6) If the facility is not operating under the real and true name of each owner the applicant must provide appropriate documentation of being registered with the Secretary of State under ORS 648 including but not limited to a facility operating under a corporation, limited liability corporation or an assumed business name.

Stat. Auth.: ORS 676.605, 690.055 & 690.165, 690.205, 690.225

Stats. Implemented: ORS 676.605, 690.055 & 690.165, 690.205, 690.225

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; Renumbered from 817-020-0005, 817-020-0011, 817-020-0012, BOC 1-2009, f. & cert. ef. 6-1-09; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-020-0007

Facility Standards

(1) A facility license holder must:

(a) Comply with the notification requirements of OAR 331-010-0040;

(b) Allow the agency's representative to inspect the facility or conduct an investigation. Obstructing or hindering the normal progress of an investigation or the inspection, threatening or exerting physical harm, or enabling another individual or employee to impede an investigation or inspection may result in disciplinary action pursuant to ORS 676.608 or 690.225.

(c) Comply with all applicable administrative rules and regulations of the Board and other state agencies regarding health, safety, and infection control standards including those listed in OAR 817-010-0007.

(d) Require each authorization holder working within the facility premises providing services in a field of practice to have the appropriate and required authorization.

(2) All shared or common areas must be clean and sanitary and are the responsibility of each authorization holder.

(3) Each authorization holder at a facility may be cited for violations of rules or regulations found in the shared or common area of a facility, unless a contractual agreement exists that indicates specific responsibility for the cleanliness of a shared or common area within the facility.

(4) When body piercing, electrolysis or tattoo services are provided in a cosmetology facility, body piercing, electrolysis or tattoo services must be separated from cosmetology services by a solid barrier to prevent contact with irritants.

Stat. Auth.: ORS 676.607, 676.612, 676.615, 676.992, 690.057, 690.085, 690.123, 690.165, 690.167 & 690.205

Stats. Implemented: ORS 676.607, 676.612, 676.992, 690.046, 690.055, 690.165, 690.085 & 690.123

Hist.: BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-020-0009

Standards for Facilities Located in Residence

A facility located in a residence must comply with all standards listed in OAR chapter 817, division 010 unless otherwise specified by rule, in addition to the following:

(1) Have an identifying house number and a sign with the facility name, which matches the one on file with the agency, and is easily visible from the street, and indicates the location of the facility;

(2) Be equipped with the structures, accommodations, and equipment which the Agency requires for all facilities; and

(3) The living area of the home must be separated from the facility by solid walls extending from floor to ceiling, with any connecting doors kept closed while the facility is in operation.

(4) An adequate supply of hot and cold running water must be available. Sinks in the restroom do not qualify as a water source for a facility located within a residence.

(5) A separate entrance is not required for facilities located in a residence.

Stat. Auth.: ORS 676.607, 676.612, 676.615, 676.992, 690.057, 690.085, 690.123, 690.165, 690.167 & 690.205

Stats. Implemented: ORS 676.607, 676.612, 676.992, 690.046, 690.055, 690.165, 690.085 & 690.123

Hist.: BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-020-0305

Licensed Health Care Facility

(1) Under ORS 690.025(3) the provisions of 690.005 to 690.235 do not apply to persons who are acting under the authority of a hospital or long term care facility licensed under 441.025 or a residential facility licensed under 443.415.

(2) Persons exempt under ORS 690.025(3) are limited to providing well being care and personal hygiene services, including, but not limited to, cutting, shaving, or trimming of hair, beard or mustache, washing, brushing, and combing hair and basic skin and nail care on individuals residing at the hospital or long term care facility licensed under 441.025 or the residential facility licensed under 443.415.

(3) Persons exempt under ORS 690.025(3) are prohibited from providing chemical services, including, but not limited to permanent waving and coloring of hair, temporary hair removal and applying or removing artificial nails.

(4) Persons exempt under ORS 690.025(3) are limited to performing services listed in sub section (2) of this rule on individuals who reside at the hospital or long term care facility licensed under ORS 441.025 or the residential facility licensed under 443.415.

(5) The exemption under ORS 690.025(3) only applies to employees of the hospital or long term care facility licensed under 441.025 or the residential facility licensed under 443.415 and volunteers working under the direct control and supervision of the hospital or long term care facility licensed under 441.025 or the residential facility licensed under 443.415

(6) For the purpose of this rule residential facility means a facility licensed under ORS 443.415 and defined under OAR 411-054-0005(48).

(7) For the purpose of this rule, a hospital or long term care facility means a facility licensed under ORS 442.025 and defined 442.015(13) and 442.015(16).

Stat. Auth.: ORS 690.015, 690.025, 690.035, 690.055, 690.165, 690.205 & 690.225

Stats. Implemented: ORS 690.015, 690.025, 690.035, 690.055, 690.165, 690.205, 690.225 & 442

Hist.: BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-020-0325

Temporary Facility

(1) A temporary facility permit holder defined under ORS 690.005 and issued under ORS 690.055, may perform services in a field of practice under ORS 690.005.

(2) The holder of a temporary facility permit must be a natural person.

(3) A temporary facility permit is valid for a limited time not to exceed 30 consecutive calendar days, at settings such as fairs, carnivals or bazaars.

(4) A temporary facility license holder must meet and adhere to all applicable requirements listed under OAR Chapter 817, division 10, 15, 35, 60, 817-020-0007 and if applicable 817-020-0009.

(5) If a facility owner licensed under OAR 817-020-0001 intends to operate a facility on a limited basis, away from the facility address on file with the agency, they must obtain a temporary facility permit.

Stat. Auth.: 2013 OL Ch. 314, 290, 188, ORS 676.580, 676.586, 676.607, 676.615, 690.005, 690.055, 690.105 & 690.123

Stats. Implemented: 2013 OL Ch. 314, 290, 188, ORS 676.580, 676.586, 690.005, 690.025, 690.046, 690.055, 690.105, 690.123 & 690.165

Hist.: BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-020-0350

Application Requirements for Temporary Facility Permit

(1) For the Agency to issue a temporary facility permit the applicant must:

(a) Meet the requirements of OAR 331 division 30;

(b) Submit a completed application form prescribed by the Agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required fees;

(c) Submit proof of being at least 18 years of age. Documentation may include identification listed under OAR 331-030-0000,

(d) Provide a map or directions to the temporary facility if it is in a rural or isolated area;

(e) Provide a list of authorization holders providing services in the temporary facility;

(f) Submit on the application form the name of the temporary facility; and

(2) If the temporary facility is not operating under the real and true name of each owner. The applicant must provide appropriate documentation of being registered with the Secretary of State under ORS 648 includ-

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ing but not limited to a temporary facility operating under a corporation, limited liability corporation or an assumed business name.

Stat. Auth.: 2013 OL Ch. 314, 290, 188, ORS 676.580, 676.586, 676.607, 676.615, 690.005, 690.055, 690.105 & 690.123
Stats. Implemented: 2013 OL Ch. 314, 290, 188, ORS 676.580, 676.586, 690.005, 690.025, 690.046, 690.055, 690.105, 690.123 & 690.165
Hist.: BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-030-0003

Practitioner Certificate in a Field of Practice

(1) A practitioner in a field of practice, licensed under ORS 690.046, may perform services in a field of practice defined under ORS 690.005, in which they have been certified to perform by the Agency and the Board of Cosmetology.

(2) A practitioner certificate is valid for two years and becomes inactive on the last day of the month two years from the date of issuance.

(3) A practitioner must meet and adhere to all applicable requirements listed under OAR Chapter 817, division 10, 15, 35, and 60.

Stat. Auth.: ORS 676.607, 676.612, 676.615, 676.992, 690.057, 690.085, 690.123, 690.165, 690.167 & 690.205
Stats. Implemented: ORS 676.607, 676.612, 676.992, 690.046, 690.055, 690.165, 690.085 & 690.123
Hist.: BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-030-0005

Practitioner Certificate Application Requirements for Hair Design, Barbering, Nail Technology and Esthetics

An individual applying for a certification in a field of practice must:

(1) Meet the requirements of OAR 331 division 30;

(2) Submit a completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application, examination fees; and

(3) Meet all education, examination and training requirements in effect at the time of application through one of the following pathways;

(a) Certification Pathway 1 — Graduation from an educational institution:

(A) Submit an official transcript from an educational institution showing proof of hours for a field of practice as required by the Department of Education pursuant to ORS 345.400 and OAR 581-045-0200;

(B) Submit a passing score of a board-approved practical examination within two years before the date of completion;

(C) Completion and passage of a board-approved written examination within two years before the date of application including the Oregon laws and rules examination. An applicant with a current certification who is seeking to add a field of practice must pass the Oregon laws and rules examination if the applicant has not passed this examination within two years of applying to add a field of practice;

(D) An applicant is not required to provide proof of official transcripts in a field of practice the applicant was previously certified in Oregon; and

(E) An applicant coming from a proficiency-based educational institution under ORS 345.400 may be required to submit additional information to the agency.

(b) Certification Pathway 2 — Reciprocity:

(A) Submit an affidavit of licensure pursuant to OAR 331-030-0040 from another state, which is active with no current or pending disciplinary action and is substantially equivalent to Oregon certification requirements pursuant to ORS 690.047; and

(B) Completion and passage of a board approved written examination within two years before the date of application including the Oregon laws and rules examination. An applicant with a current certification who is seeking to add a field of practice must pass the Oregon laws and rules examination if the applicant has not passed this examination within two years of applying to add a field of practice.

(4) Upon passage of all required examinations and before receipt of certificate, the applicant must pay all certification fees.

Stat. Auth.: ORS 690.035, 690.046 & 690.165
Stats. Implemented: ORS 690.035, 690.046 & 690.165
Hist.: BH 2-1978, f. & ef. 11-29-78; BH 1-1981, f. & ef. 10-1-81; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BH 1-1997, f. 7-22-97, cert. ef. 8-1-97; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2002, f. 5-31-02 cert. ef. 6-1-02; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 3-2008(Temp), f. 11-28-08, cert. ef. 12-1-08 thru 4-30-09; Administrative correction 5-20-09; BOC 1-2009, f. & cert. ef. 6-1-09; BOC 1-2011(Temp), f. & cert. ef. 3-1-11 thru 8-10-11; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-030-0030

General Information Examination

(1) Practical Examination: The board recognizes and sanctions the practical examination conducted by an educational institution defined under OAR 817-005-0005.

(2) Written Examination: The board-approved written examination consists of one or more fields of practice and the Oregon laws and rules examination.

(3) The written examination is administered in English only, unless an agency-approved testing contractor or vendor provides the written examination in languages other than English.

(4) Written examination applicants may be electronically monitored during testing.

(5) Each section of the written examination will be scored individually. The passing score for each section is 75 percent or better.

(6) The Board will establish a maximum time allowance for each section of the written examination.

(7) An applicant may not take notes, or bring textbooks or notebooks into the written examination area.

(8) No electronic equipment or communication devices, such as personal computers, pagers or cellular telephones or any other devices deemed inappropriate by the agency, are allowed in the written examination area.

(9) An applicant may be immediately disqualified during or after the examination for conduct that interferes with the written examination. The examination may be invalidated and written examination fees may be forfeited. Such conduct includes, but is not limited to:

(a) Directly or indirectly giving, receiving, soliciting, or attempting to give, receive or solicit aid during the written examination process;

(b) Taking items, including, but not limited to items listed in subsection (7) and (8) of this rule into the written examination area;

(c) Removing or attempting to remove any examination-related information, notes or materials from the written examination site;

(d) Failing to follow directions relative to the conduct of the written examination; and

(e) Exhibiting behavior that impedes the normal progress of the written examination.

(10) The applicant may be required to reapply, submit additional examination fees, and request in writing to schedule another examination if applicant is disqualified from taking the examination for reasons under subsection (7), (8) and (9) of this rule.

Stat. Auth.: ORS 676.615, 690.065 & 690.165
Stats. Implemented: ORS 676.615, 690.065 & 690.165
Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; Renumbered from 817-030-0025; BH 33-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BH 1-1997, f. 7-22-97, cert. ef. 8-1-97; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-030-0071

Practical Examination Evaluation

The purposes of the practical examination evaluation are to allow the Board to decide which practical examinations it will approve as certifying examinations and how the Board will be able to determine whether or not an individual practical examination is one the board approves.

(1) In accordance with ORS 690.046 all educational institutions may submit to an evaluation of the practical examination once every two years in at least one field of practice under 690.005 to have the practical examination approved.

(2) A practical examination being evaluated for approval must be performed in a continuous eight-hour period.

(3) If the practical examination does not meet evaluation standards set forth by the Department of Education, the examination must be corrected or will not be approved.

(4) To correct a practical examination that is not approved, the educational institution must schedule a new practical examination evaluation and meet the Department of Education evaluation standards within 30 days from the date of the practical examination evaluation.

(5) If the educational institution fails the practical examination evaluation, the educational institution must correct the deficiencies before the practical examination is approved.

(6) When a practical examination is not approved and not corrected, a subsequent practical examination evaluation may be granted if written approval is received by the agency from the Department of Education that the educational institution is in compliance with regulations, provisions, criteria and protocols set forth by Department of Education.

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(7) A student whose educational institution's practical examination has not been approved may take the practical examination at another educational institution.

(8) A student is responsible for any charges or fees for a practical examination administered by another educational institution.

Stat. Auth.: ORS 690.065 & 690.165

Stats. Implemented: ORS 690.065 & 690.165

Hist.: BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-030-0080

Special Examination Accommodations

(1) Applicants who qualify under the Americans with Disabilities Act (ADA) may request a special examination.

(2) Requests for accommodation must be made on forms provided by the agency and contain supporting documentation completed by a licensed professional holding appropriate credentials qualified to certify that the applicant's disabling condition requires the requested test accommodation.

(3) Requests for accommodation must be arranged 30 calendar days in advance of the preferred examination date.

(4) All special examinations are conducted at the agency. If the agency is unable to accommodate the disability at the office, a suitable alternate location will be chosen.

Stat. Auth.: ORS 690.065 & 690.165

Stats. Implemented: ORS 690.065 & 690.165

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BH 1-1997, f. 7-22-97, cert. ef. 8-1-97; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-035-0010

Issuance and Renewal of Certificates, Licenses, Registrations, or Freelance Licenses

(1) An individual holding an authorization as defined in OAR 331-010-0000 is subject to the provisions of OAR chapter 331, division 30 regarding the issuance and renewal of an authorization and provisions regarding authorization to practice, identification, and requirements for issuance of a duplicate authorization.

(2) An individual holding an authorization as defined in OAR 331-010-0000 is subject to the provisions of ORS 690.046, 690.055, 690.057, 690.105 and 690.123 for issuance and renewal of an authorization.

(3) **AUTHORIZATION RENEWAL:** Authorization renewal, with the exception of independent contractor registration or freelance license, must be made prior to the authorization entering inactive status. The authorization holder must submit the following for renewal:

(a) Renewal application form;

(b) Payment of required renewal fee pursuant to OAR 817-040-0003;

(4) **INACTIVE AUTHORIZATION RENEWAL:** An authorization, with the exception of independent contractor registration or freelance license may be inactive for up to three years. The authorization holder must submit the following for renewal:

(a) Renewal application form; and

(b) Payment of delinquency and authorization fees pursuant to OAR 817-040-0003.

(5) **EXPIRED AUTHORIZATION:** An authorization, with the exception of independent contractor registration or freelance license, that has been inactive for more than three years, is expired and the authorization holder must meet the requirements listed in OAR 817-020-0006 for facility license holders and 817-035-0010 for practitioners.

(6) **LICENSE RENEWAL — FACILITY LICENSE ISSUED PRIOR TO JANUARY 1, 2013.** Facilities licensed prior to January 1, 2013 must renew on a form prescribed by the agency. Upon renewal the facility license holder must be a natural person.

(7) Independent contractor registrations and freelance licenses that are not renewed become dormant; they do not become inactive and do not expire.

(8) To reactivate a dormant independent contractor registration or freelance license, the authorization holder must complete required qualifications, submit a form prescribed by the agency, and pay the required renewal fee.

(9) For freelance authorization renewal or reactivation, the freelance license holder must submit:

(a) Proof of having passed the board approved Oregon Laws and Rules examination within two years to renew; or

(b) Proof of having passed the board approved Oregon Laws and Rules examination within two years before the date of reactivation.

(10) Independent contractor registrations and freelance licenses that are in dormant status are not valid for practice.

(11) For the purpose of this rule, reactivation means to renew a independent contractor or freelance license registration which has been placed in dormant status.

Stat. Auth.: ORS 676.605, 676.615, 690.085 & 690.165

Stats. Implemented: ORS 676.605, 676.615, 690.085 & 690.165

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 2-1994(Temp), f. 2-15-94, cert. ef. 3-1-94 thru 8-28-94; Renumbered from 817-040-0008, BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-040-0015, BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2005, f. 6-17-05, cert. ef. 7-1-05; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2008, f. 9-15-08 cert. ef. 10-1-08; BOC 1-2009, f. & cert. ef. 6-1-09; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-035-0048

Freelance Authorization

(1) Pursuant to ORS 690.123, a practitioner who provides services outside of a licensed facility must hold a freelance license.

(2) A freelance license is valid for one year and becomes dormant on the last day of the month one year from the date of issuance or renewal, unless renewed.

(3) A freelance license holder must meet and adhere to all applicable requirements listed under OAR Chapter 817, division 10, 15, 35, and 60.

Stat. Auth.: ORS 676.607, 676.612, 676.615, 676.992, 690.057, 690.085, 690.123, 690.165, 690.167 & 690.205

Stats. Implemented: ORS 676.607, 676.612, 676.992, 690.046, 690.055, 690.165, 690.085 & 690.123

Hist.: BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-035-0050

Application Requirements for Freelance Authorization

To obtain a freelance authorization a practitioner must meet the requirements of OAR 331 division 30 and submit the following:

(1) A completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required fees;

(2) A passing score on the Oregon Laws and Rules examination within two years before the date of application; and

(3) A current copy of the Assumed Business Name (ABN) filing if applicant is operating under an assumed business name prior to applying for a freelance authorization. An ABN is not required if business includes the real and true name of the owner. Refer to Secretary of State, Corporations Division under ORS 648.005.

Stat. Auth.: ORS 676.615, 690.048, 690.123 & 690.165

Stats. Implemented: ORS 676.615, 690.048, 690.123 & 690.165

Hist.: BH 4-1984, f. & cert. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, f. & cert. ef. 7-1-94; Renumbered from 817-020-0040; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 2-2008, f. 9-15-08 cert. ef. 10-1-08; BOC 1-2009, f. & cert. ef. 6-1-09; BOC 3-2010(Temp), f. 11-10-10, cert. ef. 11-15-10 thru 5-10-11; BOC 1-2011(Temp), f. & cert. ef. 3-1-11 thru 8-10-11; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-035-0052

Freelance Authorization Standards

(1) A holder of freelance authorization must:

(a) Provide each client with the agency's name, address and telephone number;

(b) Display the practitioner's certificate number and freelance authorization number on all advertising when soliciting business;

(c) Be subject to random audit to verify compliance with safety, infection control and licensing requirements pursuant to ORS 690.123; and

(d) Allow the agency's representative to conduct an investigation pursuant to ORS 676.608. Obstructing or hindering the normal progress of an investigation, threatening or exerting physical harm, or enabling another individual to impede an investigation may result in disciplinary action pursuant to 676.612 or 676.992 and 331-020-0070.

(2) Practitioners providing services outside the premises of a licensed facility, on persons confined to their residence through medical disability or restriction are not required to obtain a freelance authorization.

Stat. Auth.: ORS 676.607, 676.612, 676.615, 676.992, 690.057, 690.085, 690.123, 690.165, 690.167 & 690.205

Stats. Implemented: ORS 676.607, 676.612, 676.992, 690.046, 690.055, 690.165, 690.085 & 690.123

Hist.: BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-035-0068

Independent Contractor

(1) Pursuant to ORS 690.057, a practitioner who provides services within a licensed facility who is not an employee must hold an independent contractor registration.

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(2) An independent contractor must meet the criteria for independent contractor status in accordance with ORS 690.035, 690.057, 670.600, and 657.040;

(3) An independent contractor registration is valid for one year and becomes dormant on the last day of the month one year from the date of issuance or renewal.

(4) An independent contractor must comply with all applicable rules and regulations of the Board and other state agencies and adhere to all applicable requirements listed under OAR Chapter 817, division 10, 15, 35, and 60.

(5) An independent contractor registration will be evidence of the practitioner's qualification to work independent of a facility license holder. The registration is transferable between work locations, provided the agency is given notification as stated in OAR 331-010-0040(3).

Stat. Auth.: ORS 676.607, 676.612, 676.615, 676.992, 690.057, 690.085, 690.123, 690.165, 690.167 & 690.205

Stats. Implemented: ORS 676.607, 676.612, 676.992, 690.046, 690.055, 690.165, 690.085 & 690.123

Hist.: BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-035-0070

Application Requirements for Independent Contractor Registration

To obtain an independent contractor registration a practitioner must meet the requirements of OAR 331 division 30 and submit the following:

(1) A completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required fees;

(2) Proof of being at least 18 years of age. Documentation may include identification listed under OAR 331-030-0000;

(3) Proof of holding a current, valid practitioner certificate which is active with no current or pending disciplinary action;

(4) A current copy of the Assumed Business Name (ABN) filing if applicant is operating under an assumed business name prior to applying for an independent contractor registration if the business operates under the real and true name of the owner an ABN filing is not necessary. Refer to Secretary of State, Corporations Division under ORS 648.005.

Stat. Auth.: ORS 676.615, 690.055, 690.057 & 690.165

Stats. Implemented: ORS 676.615, 690.055, 690.057 & 690.165

Hist.: BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2009, f. & cert. ef. 6-1-09; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-035-0090

Independent Contractor Standards

(1) An independent contractor must allow the agency's representative to inspect or conduct an investigation pursuant to ORS 676.608 or 690.225. Obstructing or hindering the normal progress of an investigation or the inspection, threatening or exerting physical harm, or enabling another individual or employee to impede an investigation or inspection may result in disciplinary action pursuant to 676.612 or 676.992 and OAR 331-020-0070.

(2) The cleanliness and sanitary condition of any shared or common area used by, or provided for, separately licensed facilities or independent contractors located at one premises is the responsibility of each license or registration holder at that premises.

(3) Each authorization holder located at one facility may be cited for violations of rules or regulations found in a shared or common area of a facility, unless a contractual agreement exists that indicates specific responsibility for the cleanliness of a shared or common area within the facility.

Stat. Auth.: ORS 676.615, 690.055, 690.057, 690.085, 690.095, 690.165, 690.225

Stats. Implemented: ORS 676.615, 690.055, 690.057, 690.085, 690.095, 690.165 & 690.225

Hist.: BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2009, f. & cert. ef. 6-1-09; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-035-0093

Demonstration Permit

(1) Pursuant to ORS 690.105, a person not certified under ORS 690.048 who wishes to practice, demonstrate, and teach a field of practice, or perform a field of practice, temporarily and primarily for educational purposes may obtain a demonstration permit.

(2) A demonstration permit is active for 30 days and is not renewable, the holder of the demonstration permit:

(a) May provide services in a field of practice defined under ORS 690.005.

(b) Must meet and adhere to all applicable requirements listed under OAR Chapter 817, division 10, 15, 35, and 60.

(c) May perform services at locations such as training seminars; shows; licensed facilities or other locations approved by the Board.

Stat. Auth.: 2013 OL Ch. 314, 290, 188, ORS 676.580, 676.586, 676.607, 676.615, 690.005, 690.055, 690.105 & 690.123

Stats. Implemented: 2013 OL Ch. 314, 290, 188, ORS 676.580, 676.586, 690.005, 690.025, 690.046, 690.055, 690.105, 690.123 & 690.165

Hist.: BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-035-0095

Application Requirements for Demonstration Permit

(1) To obtain a demonstration permit an individual must meet the requirements of OAR 331 division 30 and submit the following:

(a) A completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required fees;

(b) An affidavit of licensure pursuant to OAR 331-030-0040 from another state, which is active with no current or pending disciplinary action; and

(c) A description of the purpose for which the permit is sought.

(2) If an individual does not qualify for a demonstration permit under subsection 1 of this rule the Board may determine, on a case-by-case basis, if the individual is otherwise qualified to obtain a demonstration permit pursuant to ORS 690.105.

Stat. Auth.: 2013 OL Ch. 314, 290, 188, ORS 676.580, 676.586, 676.607, 676.615, 690.005, 690.055, 690.105 & 690.123

Stats. Implemented: 2013 OL Ch. 314, 290, 188, ORS 676.580, 676.586, 690.005, 690.025, 690.046, 690.055, 690.105, 690.123 & 690.165

Hist.: BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-035-0110

Posting Requirements

(1) Freelance authorization, certificate, license, permit and registration holders are subject to the requirements of OAR 331-030-0020.

(2) Facility licenses must be posted in public view.

(3) Independent contractor registrations must be posted in public view.

(4) Practitioner certificates must be posted in public view.

(5) Demonstration and temporary authorizations must be posted in public view.

(6) A freelance authorization holder must show the authorization to practice upon request of the client.

(7) A facility license holder and independent contractor registration holder must post the most recent inspection certificate in public view in the facility or at the independent contractor's workstation.

Stat. Auth.: ORS 676.615, 690.095 & 690.165

Stats. Implemented: ORS 676.615, 690.095 & 690.165

Hist.: BH 2-1978, f. & ef. 11-29-78; BH 4-1984, f. & ef. 12-7-84; Renumbered from 817-010-0120; BH 1-1988, f. & cert. ef. 7-1-88; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; Renumbered from 817-020-0013; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 1-2009, f. & cert. ef. 6-1-09; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-060-0010

Client Protection

(1) All safety procedures which prevent eye, nail, hair, or skin injury to clients or damage to the clothing of clients must be followed when administering chemical services.

(2) Client protection regulations must be met in accordance with ORS 654, OAR 437-division 2, General Occupational Safety and Health Rules, 29 CFR 1910.1030, and 29 CFR 1910.1200.

Stat. Auth.: ORS 690.165 & 690.205

Stats. Implemented: ORS 654, 690.165 & 690.205

Hist.: BH 1-1983(Temp), f. & ef. 10-4-83; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Administrative Correction 1-15-98; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-060-0020

Chemical Storage

(1) For the purposes of this section, the following terms are being used as defined by OAR 437, Division 2, General Occupational Safety and Health Rules Toxic and Hazardous Substances as amended and in effect September 25, 2012;

(a) Corrosives;

(b) Flammables (aerosol, gas, liquid, and/or solid);

(c) Oxidizers.

(2) For purposes of this section "hazardous" and "segregated in storage" are defined as follows:

(a) "Hazardous" means capable of causing an unplanned, uncontrolled reaction which could present a hazard to authorization holders or

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clients by explosion, fire, release of toxic gases or by-products, or physical or chemical burns; and

(b) "Segregated in storage" means that potentially hazardous chemicals and materials are separated (to prevent their mixing with one another through leakage, spillage or breakage) by an adequate distance or through the use of physical barriers such as partitions or separate shelving.

(3) Chemicals must be stored safely to avoid fire, explosion and bodily injury.

(4) Flammable chemicals must be stored separate from potential sources of ignition.

(5) Chemical containers holding one gallon or less may be stored in the same area or in the same storage cabinet if one of the following conditions is met:

(a) Containers of reactive chemicals are separated by location or sufficient distance, for example at least 12 inches apart or on different shelves, to prevent their reaction; or

(b) Glass bottles of reactive chemicals are treated to make them break-resistant (e.g., resin-coated) or are stored in rubber buckets or sleeves, or are stored with a partition separating them.

(6) Chemicals that are highly reactive or kept in containers greater than one gallon must be stored in separate cabinets, in safety-valve containers, or in locations isolated from other chemicals.

(7) Waste related to chemical services or which has been chemically dampened or saturated must be disposed of in a fire-retardant container pursuant to OAR 817-010-0035 and 817-010-0060.

(8) Chemically treated, dampened or saturated towels must be stored in a fire retardant container pursuant to OAR 817-010-0035 and 817-010-0060.

(9) Chemicals may be stored in containers approved by the Oregon Department of Transportation for shipping.

Stat. Auth.: ORS 676.605, 676.615, 690.165 & 690.205

Stats. Implemented: ORS 676.605, 676.615, 690.165 & 690.205

Hist.: BH 1-1983(Temp), f. & ef. 10-4-83; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-060-0030

Use, Handling and Disposing of Chemicals

(1) Chemicals used for providing services to clients must be mixed in a dispensing area, which has adequate ventilation away from open flame or other sources of potential ignition.

(2) All chemicals must be disposed of in accordance with their manufacturer's instructions and according to local and state environmental requirements.

(3) Authorization holders are prohibited from:

(a) Using cosmetic products containing hazardous substances, which have been banned by the U.S. Food and Drug Administration for use in cosmetic products;

(b) Using products in a manner that is not approved by the U.S. Food and Drug Administration;

(c) Using any product containing compounds or substances characterized as hazardous or harmful to humans by Material Safety Data Sheets (MSDS) and/or random product testing see OAR chapter 817 division 060; and

(d) Using an open flame at the workstation during any phase of chemical service.

Stat. Auth.: ORS 676.605, 676.615, 690.165 & 690.205

Stats. Implemented: ORS 676.605, 676.615, 690.165 & 690.205

Hist.: BH 1-1983(Temp), f. & ef. 10-4-83; BH 4-1984, f. & ef. 12-7-84; BH 1-1988, f. & cert. ef. 7-1-88; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-060-0050

Use of Formaldehyde Products

(1) Authorization holders providing services with products that may contain formaldehyde must adhere to all city, county, state or federal laws, rules, codes and regulations related to the use of formaldehyde.

(2) The agency and board adopt by reference Oregon Occupational Safety and Health Division OAR 437-002-0360.

(3) For the purpose of this rule:

(a) Employer referenced under OAR 437-002-0360 means a facility license holder, temporary facility permit holder, demonstration permit holder working outside of a licensed facility, a practitioner working outside of a licensed facility, or an independent contractor.

(b) Employee referenced under OAR 437-002-0360 means a practitioner working in a licensed facility, individual working under the direction

of an independent contractor or facility license holder, or demonstration permit holder working in a licensed facility.

Stat. Auth.: ORS 676.605, 676.606, 676.607, 690.165 & 690.205

Stats. Implemented: ORS 690.165 & 690.205

Hist.: BOC 3-2010(Temp), f. 11-10-10, cert. ef. 11-15-10 thru 5-10-11; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-090-0025

Schedule of Penalties for Facility and Independent Contractor Registration Violations

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of facility license and independent contractor registration laws and rules. This schedule applies, except at the discretion of the agency pursuant to OAR 331-020-0060. For the 4th and subsequent offenses, the provisions of 331-020-0060 apply.

(1) Operating or purporting to operate a facility without a valid facility license is a violation of ORS 690.015(2)(b) or 690.015(2)(e):

(a) Never licensed:

(A) 1st offense: \$500;

(B) 2nd offense: \$1000;

(C) 3rd offense: \$2500

(b) Inactive or expired license:

(A) 1st offense: \$200;

(B) 2nd offense: \$500;

(C) 3rd offense: \$1,000

(c) Certificate, Authorization, or Registration Suspended or Revoked:

(A) 1st offense: \$2,500;

(B) 2nd offense: \$5,000;

(C) 3rd offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

(2) Operating or purporting to operate as an independent contractor without an independent contractor registration or with a dormant independent contractor registration is a violation of ORS 690.015(2)(a), 690.015(2)(d) or 690.015(2)(e):

(a) 1st offense: \$200

(b) 2nd offense: \$500

(c) 3rd offense: \$1,000

(3) Allowing an uncertified employee or uncertified individual under a person's supervision and control to practice in a field of practice is a violation of ORS 690.015(2)(g) and OAR 817-020-0007 (1)(f).

(a) Employee or individual who has never been certified:

(A) 1st offense: \$500;

(B) 2nd offense: \$1,000;

(C) 3rd offense: \$2,500

(b) Employee or individual with inactive, suspended, revoked, or expired certification:

(A) 1st offense: \$200

(B) 2nd offense: \$500

(C) 3rd offense: \$1000

(4) Failing to meet the specifications and standards required under OAR 817-010-0007 in a facility is a violation of 817-020-0006 (1)(e) and may result in an emergency suspension of the facility license until the violation is corrected.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165 & 690.167

Stats. Implemented: ORS 676.992, 690.015, 690.165 & 690.167

Hist.: BH 3-1984(Temp), f. & ef. 6-27-84; BH 4-1984, f. & ef. 12-7-84; BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0020; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2002, f. 5-31-02 cert. ef. 6-1-02; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 4-2011(Temp), f. & cert. ef. 9-13-11 thru 3-11-12; BOC 1-2012(Temp), f. 3-1-12, cert. ef. 3-12-12 thru 9-1-12; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-090-0045

Schedule of Penalties for Certificate/License/Registration/ Permit Violations

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of certificate/license/registration/permit laws and rules. This schedule applies, except at the discretion of the agency pursuant to OAR 331-020-0060. For the 4th and subsequent offenses, the provisions of 331-020-0060 apply.

(1) Altering with fraudulent intent or fraudulent use, attempted use, obtaining, or counterfeiting of a license, certificate, registration, permit or authorization issued by the agency is a violation of ORS 690.015(2)(j) or 690.015(2)(k):

(a) 1st offense: \$1,500;

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- (b) 2nd offense: \$3,500;
- (c) 3rd offense: \$5,000.

(2) Failing to post a valid license, registration, certificate, permit or authorization issued by the agency in public view is a violation of OAR 817-035-0110:

- (a) 1st offense: \$200
- (b) 2nd offense: \$500
- (c) 3rd offense: \$500

(3) Failing to post the most recent inspection certificate in public view within the facility is a violation of OAR 817-035-0110:

- (a) 1st offense: \$200;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165 & 690.167

Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.165 & 690.167

Hist.: BH 3-1984(Temp), f. & ef. 6-27-84; BH 4-1984, f. & ef. 12-7-84; BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0020; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 4-2011(Temp), f. & cert. ef. 9-13-11 thru 3-11-12; BOC 1-2012(Temp), f. 3-1-12, cert. ef. 3-12-12 thru 9-1-12; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-090-0050

Schedule of Penalties for Freelance Authorization Violations

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of Freelance Authorization laws and rules. This schedule applies, except at the discretion of the agency pursuant to OAR 331-020-0060. For the 4th and subsequent offenses, the provisions of 331-020-0060 apply.

(1) Working with a dormant Freelance Authorization:

- (a) 1st offense: \$200;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000

(2) Failing to display the practitioner certificate number and freelance authorization number when advertising or soliciting business; or, failing to provide required information under a Freelance Authorization is a violation of OAR 817-035-0052(1)(a) or (b):

- (a) 1st offense: \$100;
- (b) 2nd offense: \$200;
- (c) 3rd offense: \$500.

(3) Practicing outside a licensed facility without a valid Freelance Authorization is a violation of ORS 690.123:

- (a) 1st offense: \$500;
- (b) 2nd offense: \$1,000;
- (c) 3rd offense: \$2,500.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165 & 690.167

Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.165 & 690.167

Hist.: BH 3-1984(Temp), f. & ef. 6-27-84; BH 4-1984, f. & ef. 12-7-84; BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0020; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-090-0055

Schedule of Penalties for Home Facility Violations

(1) The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of home facility laws and rules. This schedule applies, except at the discretion of the agency pursuant to OAR 331-020-0060. For the 4th and subsequent offenses, the provisions of 331-020-0060 apply.

(2) Failing to identify a facility located in a residence by means of a house number or a sign easily visible from the street is a violation of OAR 817-020-0009:

- (a) 1st offense: \$100;
- (b) 2nd offense: \$200;
- (c) 3rd offense: \$500.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165 & 690.167

Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.165 & 690.167

Hist.: BH 3-1984(Temp), f. & ef. 6-27-84; BH 4-1984, f. & ef. 12-7-84; BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0020; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-090-0065

Schedule of Penalties for Water Supply and Disposal Violations

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of safety and infection control laws and

rules. This schedule applies, except at the discretion of the agency pursuant to OAR 331-020-0060. For the 4th and subsequent offenses, the provisions of 331-020-0060 apply.

(1) Failing to have immediate access to hot and cold running water in the working area of a facility is a violation of OAR 817-010-0014(1):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

(2) Failing to have a facility water supply which meets state pressure and purity requirements is a violation of OAR 817-010-0007 and 817-010-0014(1) and (2) and may result in an emergency suspension of the facility license until the violation is corrected.

(3) Improperly disposing of liquid waste from a facility is a violation of OAR 817-010-0007 and 817-010-0021(3) and may result in an emergency suspension of the facility license until the violation is corrected.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165, 690.167 & 690.205

Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.165, 690.167 & 690.205

Hist.: BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0030; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-090-0070

Schedule of Penalties for Towels and Linens Violations

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of safety and infection control laws and rules. This schedule applies, except at the discretion of the agency pursuant to OAR 331-020-0060. For the 4th and subsequent offenses, the provisions of 331-020-0060 apply.

(1) Failing to use clean towels or linens for each client is a violation of OAR 817-010-0035(1)(a) and failing to launder towels and linens as required is a violation of 817-010-0035(1)(e):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

(2) Failing to store clean towels and linens in a clean area is a violation of OAR 817-010-0035(1)(b):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

(3) Failing to immediately deposit all used towels with chemical residue in a closed, fire retardant container is a violation of OAR 817-010-0035(1)(d):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

(4) Failing to deposit soiled towels in a covered container is a violation of OAR 817-010-0035(1)(c):

- (a) 1st offense: \$100;
- (b) 2nd offense: \$200;
- (c) 3rd offense: \$500.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165, 690.167 & 690.205

Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.165, 690.167 & 690.205

Hist.: BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0030; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-090-0075

Schedule of Penalties for Waste Disposal Violations

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of safety and infection control laws and rules. This schedule applies, except at the discretion of the agency pursuant to OAR 331-020-0060. For the 4th and subsequent offenses, the provisions of 331-020-0060 apply.

(1) Failing to immediately deposit all chemical waste materials in a closed container at the conclusion of each service, or a fire-retardant container at the close of each business day is a violation of OAR 817-010-0060(1):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(2) Failing to immediately dispose of all waste and refuse in covered containers is a violation of OAR 817-010-0060(2) or (3):

- (a) 1st offense: \$100;
- (b) 2nd offense: \$200;
- (c) 3rd offense: \$500.

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(3) Failing to keep the outer surface of a waste disposal container clean is a violation of OAR 817-010-0060(4):

- (a) 1st offense: \$100;
- (b) 2nd offense: \$200;
- (c) 3rd offense: \$500.

(4) Failing to dispose of disposable material coming into contact with blood or other bodily fluids in a sealable plastic bag is a violation of OAR 817-010-0060(5):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

(5) Failing to dispose of disposable sharp-edged material coming into contact with blood or other bodily fluids in a sealable rigid container is a violation of OAR 817-010-0060(6):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

(6) Failing to have sealable plastic bags and sealable rigid containers available for use at all times services are being performed is a violation of OAR 817-010-0060(7):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165, 690.167 & 690.205
Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.165, 690.167, 690.205
Hist.: BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0030; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-090-0085

Schedule of Penalties for Sanitation or Disinfectant Violations

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of safety and infection control laws and rules. This schedule applies, except at the discretion of the agency pursuant to OAR 331-020-0060. For the 4th and subsequent offenses, the provisions of 331-020-0060 apply.

(1) Failing to use a high-level disinfectant or failing to completely immerse in high-level disinfectant, all tools and implements with sharp edges or points, or foot spa equipment according to disinfectant manufacturer's instructions is a violation of either OAR 817-010-0068(3) or 817-010-0101(5):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

(2) Failing to keep disinfecting solutions at adequate strength, free of foreign material, and/or available for immediate use at all times the facility is open for business is a violation of OAR 817-010-0065(6):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

(3) Failing as an authorization holder to provide and maintain adequate disinfecting solutions or sterilizing equipment to the number of applicable authorization holders providing services, usage requirements or volume of business is a violation of OAR 817-010-0065(3):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

(4) Failing to use a low-level disinfectant or failing to completely immerse all tools and implements, without sharp edges or points according to disinfectant manufacturers instructions is a violation of OAR 817-010-0068(2):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165, 690.167 & 690.205
Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.165, 690.167 & 690.205
Hist.: BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0030; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 2-2001, f. 2-16-01, cert. ef. 3-1-01; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-090-0090

Schedule of Penalties for Disinfecting Requirements of Tools and Implements Violations

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of safety and infection control laws and

rules. This schedule applies, except at the discretion of the agency pursuant to OAR 331-020-0060. For the 4th and subsequent offenses, the provisions of 331-020-0060 apply.

(1) Failing to cleanse and disinfect, with a high-level disinfectant, electrical or mechanical hair clipper blades before use on each client is a violation of OAR 817-010-0069(2):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

(2) Failing to store new, disinfected or cleaned tools and implements separately from all others is a violation of OAR 817-010-0075(1):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

(3) Failing to ensure that any tool or implement; or article which comes in contact with a client is disinfected, cleaned or disposed of is a violation of OAR 817-010-0065(1); or 817-010-0040(2) or 817-010-0040(3):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

(4) Failing to discard or give to the client any a disposable nail files, pumice blocks, cosmetic sponges, buffer blocks, sanding bands or sleeves, orangewood sticks, or nail bits designed for single use after use on a client, is a violation of OAR 817-010-0065(7):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165, 690.167, 690.205
Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.165, 690.167 & 690.205
Hist.: BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0030; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 2-2001, f. 2-16-01, cert. ef. 3-1-01; BOC 4-2001(Temp), f. & cert. ef. 11-1-01 thru 4-29-02; BOC 1-2002, f. 5-31-02 cert. ef. 6-1-02; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-090-0105

Schedule of Penalties for Client Health and Safety Violations

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of safety and infection control laws and rules. This schedule applies, except at the discretion of the agency pursuant to OAR 331-020-0060. For the 4th and subsequent offenses, the provisions of 331-020-0060 apply.

(1) Failing to use a neck strip or a towel to prevent contact between the skin of a client's neck and a hair cloth or cape is a violation of OAR 817-010-0040(1):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

(2) Failing to use a disposable cover on the head of a client who is trying on a hairpiece or to clean and label used hair goods as "used" prior to resale is a violation of OAR 817-010-0085:

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

(3) Performing services without washing one's hands immediately before and after serving each client is a violation of OAR 817-015-0030(1):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

(4) Failing to maintain client records for each client receiving esthetics, nail technology, or hair reduction services, on the premises of the facility or allow an enforcement officer access to review client records upon request is a violation of OAR 817-015-0065 or 817-015-0070:

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

(5) Failing to maintain required documentation of any FDA manual or mechanical device or equipment, or to provide required documentation upon request is a violation of OAR 817-010-0065(10), (11), or (13):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1,000.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165, 690.167, 690.205
Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.165, 690.167 & 690.205
Hist.: BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0030; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 4-2001(Temp), f. & cert. ef. 11-1-01 thru 4-29-02; BOC 1-

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2002, f. 5-31-02 cert. ef. 6-1-02; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 4-2011(Temp), f. & cert. ef. 9-13-11 thru 3-11-12; BOC 1-2012(Temp), f. 3-1-12, cert. ef. 3-12-12 thru 9-1-12; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-090-0110

Schedule of Penalties for Safe Working Conditions Violations

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of safety and infection control laws and rules. This schedule applies, except at the discretion of the agency pursuant to OAR 331-020-0060. For the 4th and subsequent offenses, the provisions of 331-020-0060 apply.

(1) Failing to meet the requirements of the Oregon Indoor Clean Air Act is a violation of OAR 817-010-0007 and may result in an emergency suspension of the facility license until the violation is corrected.

(2) Having frayed electrical wiring or overloading the electrical circuits in a facility is a violation of ORS 690.055(1)(C), and OAR 817-010-0007 and may result in an emergency suspension of the facility license until the violation is corrected.

(3) Having pets or other animals in facilities, other than service animals recognized by the American with Disabilities Act, fish in an aquarium or nonpoisonous reptiles in terrariums, is a violation of OAR 817-010-0095.

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(4) Failing to wear eye goggles, shields or mask in performing services on a client where the likelihood of splattering is present is a violation of OAR 817-015-0030(1)(c):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(5) Failing to have a restroom available which is "reasonably accessible" for facility employees is a violation of OAR 817-010-0021(1):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165, 690.167 & 690.205
Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.165, 690.167 & 690.205
Hist.: BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0030; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2002, f. 5-31-02 cert. ef. 6-1-02; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-090-0115

Schedule of Penalties for Chemical Use and Storage Violations

The Agency has adopted the following presumptive penalty schedule for the 1st, 2nd, and 3rd violation of chemical use and storage laws and rules. This schedule applies, except at the discretion of the agency pursuant to OAR 331-020-0060. For the 4th and subsequent offenses, the provisions of 331-020-0060 apply.

(1) Failing to store chemicals safely to avoid fire, explosion and/or bodily harm to clients and authorization holders is a violation of OAR 817-060-0020(3):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(2) Failing to mix chemicals in a dispensing area is a violation of OAR 817-060-0030(1):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(3) Mixing or using chemicals near an open flame or other potential source of ignition is a violation of OAR 817-060-0030(1):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

(4) Having an open flame at the workstation, during any phase of chemical service, i.e. mixing, application, processing, or use of any potentially explosive or flammable chemical, in relation to performing services is a violation of OAR 817-060-0030(4)(d):

- (a) 1st offense: \$300;
- (b) 2nd offense: \$500;
- (c) 3rd offense: \$1000.

Stat. Auth.: ORS 676.605, 676.615, 676.992, 690.165, 690.167, 690.205
Stats. Implemented: ORS 676.605, 676.615, 676.992, 690.165, 690.167 & 690.205
Hist.: BH 1-1985, f. & ef. 3-28-85; BH 1-1988, f. & cert. ef. 7-1-88; BH 2-1990, f. & cert. ef. 10-29-90; BH 1-1992, f. 6-1-92, cert. ef. 7-1-92; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94;

BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; Renumbered from 817-090-0040; BBH 1-1998, f. 6-24-98, cert. ef. 6-30-98; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 2-2011, f. & cert. ef. 5-5-11; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-100-0005

Exemptions

Domestic Administration under ORS 690.025(1) means a person providing services in a location where the client or person resides and the services are provided only to persons who are related by blood, marriage, or domestic partnership.

Stat. Auth.: ORS 690.025 & 690.165

Stats. Implemented: ORS 690.025 & 690.165

Hist.: BH 4-1984, f. & ef. 12-7-84; BH 2-1990, f. & cert. ef. 10-29-90; BH 3-1994, f. 6-23-94, f. & cert. ef. 7-1-94; BH 1-1996, f. 5-31-96, cert. ef. 7-1-96; BH 1-1997, f. 7-22-97, cert. ef. 8-1-97; BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 2-2001, f. 2-16-01, cert. ef. 3-1-01; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

817-120-0005

Practice Standards

(1) Authorization holders must adhere to the highest standards of professional conduct.

(2) Authorization holders must practice in a manner which safeguards the public's health, safety, and welfare.

(3) Authorization holders shall be appropriately clothed while providing services.

Stat. Auth.: ORS 676.605, 676.615 & 690.165

Stats. Implemented: ORS 676.605, 676.615 & 690.165

Hist.: BH 1-1988, f. & cert. ef. 7-1-88; BH 3-1994, f. 6-23-94, cert. ef. 7-1-94; BH 1-1996, f. 5-31-95, cert. ef. 7-1-96; Renumbered from 817-120-0010, BOC 1-2000, f. 5-12-00, cert. ef. 5-15-00; BOC 1-2004, f. 6-29-04, cert. ef. 7-1-04; BOC 1-2006, f. & cert. ef. 3-15-06; BOC 4-2011(Temp), f. & cert. ef. 9-13-11 thru 3-11-12; BOC 1-2012(Temp), f. 3-1-12, cert. ef. 3-12-12 thru 9-1-12; BOC 2-2012, f. 8-31-12, cert. ef. 9-1-12; BOC 1-2014, f. 2-27-14, cert. ef. 3-1-14

Oregon State Marine Board Chapter 250

Rule Caption: Clackamas River closure in the vicinity of the Trolley Bridge

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

Filed with Sec. of State: 3-10-2014

Certified to be Effective: 3-10-14 thru 7-31-14

Notice Publication Date:

Rules Amended: 250-020-0033

Subject: Motorized boats are prohibited from operating on the Clackamas River between the mouth of the Oregon City Lagoon at river mile 0.35 and the I-205 Bridge at river mile 1.45. All other non-motorized watercraft are prohibited from operating on the Clackamas River from the mouth of the Oregon City Lagoon at river mile 0.35 to the boat ramp at Riverside Park at river mile 3.15.

Rules Coordinator: June LeTarte—(503) 378-2617

250-020-0033

Boat Operations in Clackamas County

(1) Clackamas River:

(a) No person shall operate a motorboat in excess of "Slow – No Wake" (5 MPH) from the Highway 99 Bridge downstream to the Willamette River, May 1st through October 15th.

(b) No person shall operate a motorboat from the I-205 Bridge to the mouth of the Oregon City Lagoon.

(c) No person shall operate any watercraft other than a motorboat from the boat ramp at Riverside Park to the mouth of the Oregon City Lagoon.

(2) Molalla River: No person shall operate a motorboat with a jet pump drive upstream of the Highway 99 Bridge.

(3) Tualatin River: No person shall operate a motorboat for the purpose of towing a person on water skis, knee board, wake board, tube or similar device.

(4) North Fork Reservoir:

(a) No person shall operate a motorboat with a jet pump drive above a point 2.3 miles upstream of the North Fork Dam;

(b) No person shall operate a motorboat in excess of a 5 MPH slow – no wake speed on that portion of the reservoir north of Highway 224 known as North Arm or within 200 feet of the entrance to North Arm, as marked.

(5) Roslyn Lake: No person shall operate a boat with a motor.

ADMINISTRATIVE RULES

Stat. Auth.: ORS 830
Stats. Implemented: ORS 830.110 & 830.175
Hist.: MB 2-1978, f. & ef. 4-5-78; MB 6-1978, f. & ef. 7-31-78; Renumbered from 250-020-0143; MB 21-1987, f. 12-31-87, ef. 1-1-88; OSMB 7-2000, f. & cert. ef. 12-1-00; OSMB 11-2001, f. & cert. ef. 10-29-01; OSMB 3-2004(Temp), f. 7-14-04, cert. ef. 7-15-04 thru 8-31-04; Administrative correction 9-28-04; OSMB 8-2010(Temp), f. 5-6-10, cert. ef. 6-1-10 thru 8-31-10; Administrative correction 9-22-10; OSMB 6-2014(Temp), f. & cert. ef. 3-10-14 thru 7-31-14

Rule Caption: Reopen Clackamas River near old Trolley Bridge location.

Adm. Order No.: OSMB 7-2014(Temp)

Filed with Sec. of State: 3-13-2014

Certified to be Effective: 3-13-14 thru 7-31-14

Notice Publication Date:

Rules Suspended: 250-020-0033(T)

Subject: Boating is no longer prohibited on the Clackamas River near where the old Trolley Bridge was located. The obstruction has been cleared from the river.

Rules Coordinator: June LeTarte—(503) 378-2617

250-020-0033

Boat Operations in Clackamas County

(1) Clackamas River:

(a) No person shall operate a motorboat in excess of “Slow – No Wake” (5 MPH) from the Highway 99 Bridge downstream to the Willamette River, May 1st through October 15th.

(b) No person shall operate a motorboat from the I-205 Bridge to the mouth of the Oregon City Lagoon.

(c) No person shall operate any watercraft other than a motorboat from the boat ramp at Riverside Park to the mouth of the Oregon City Lagoon.

(2) Molalla River: No person shall operate a motorboat with a jet pump drive upstream of the Highway 99 Bridge.

(3) Tualatin River: No person shall operate a motorboat for the purpose of towing a person on water skis, knee board, wake board, tube or similar device.

(4) North Fork Reservoir:

(a) No person shall operate a motorboat with a jet pump drive above a point 2.3 miles upstream of the North Fork Dam;

(b) No person shall operate a motorboat in excess of a 5 MPH slow – no wake speed on that portion of the reservoir north of Highway 224 known as North Arm or within 200 feet of the entrance to North Arm, as marked.

(5) Roslyn Lake: No person shall operate a boat with a motor.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.110 & 830.175

Hist.: MB 2-1978, f. & ef. 4-5-78; MB 6-1978, f. & ef. 7-31-78; Renumbered from 250-020-0143; MB 21-1987, f. 12-31-87, ef. 1-1-88; OSMB 7-2000, f. & cert. ef. 12-1-00; OSMB 11-2001, f. & cert. ef. 10-29-01; OSMB 3-2004(Temp), f. 7-14-04, cert. ef. 7-15-04 thru 8-31-04; Administrative correction 9-28-04; OSMB 8-2010(Temp), f. 5-6-10, cert. ef. 6-1-10 thru 8-31-10; Administrative correction 9-22-10; OSMB 6-2014(Temp), f. & cert. ef. 3-10-14 thru 7-31-14; Temporary suspended by OSMB 7-2014(Temp), f. & cert. ef. 3-13-14 thru 7-31-14

Oregon University System, Oregon State University Chapter 576

Rule Caption: Incorporates changes to fees/charges at Oregon State University for April 9, 2014-June 30, 2014.

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

Filed with Sec. of State: 2-21-2014

Certified to be Effective: 4-9-14 thru 6-30-14

Notice Publication Date:

Rules Amended: 576-010-0000

Subject: The proposed amendment will set fees and charges for designated services at Oregon State University for April 9 through June 30, 2014. The rule states: “The University hereby adopts by reference a list of fees and charges for fiscal year 2013-2014. The list of fees and charges is available at Oregon State University’s Valley Library, and is hereby incorporated by reference in this rule.” This rule language will not change. Documentation attached to this rule will be supplemented with a collection of updates.

Rules Coordinator: Beth Giddens—(541) 737-2449

576-010-0000

Fees and Charges

The University hereby adopts by reference a list of fees and charges for January 1, 2014–June 30, 2014. This List of Fees and Charges is available at the Oregon State University Valley Library, and is hereby incorporated by reference in the rule.

Stat. Auth.: ORS 351.070, 352.360 & OAR 580-040-0010

Stats. Implemented: ORS 351.070 & 352.360

Hist.: OSU 3-1980, f. & ef. 10-31-80; OSU 1-1982, f. & ef. 8-27-82; OSU 1-1983(Temp), f. & ef. 9-26-83; OSU 1-1986, f. & ef. 6-4-86; OSU 2-1987, f. 6-11-87, ef. 7-1-87; OSU 2-1988, f. 6-15-88, cert. ef. 7-1-88; OSU 4-1989, f. 6-13-89, cert. ef. 7-1-89; OSU 1-1990, f. 6-15-90, cert. ef. 7-1-90; OSU 6-1991, f. 6-3-91, cert. ef. 7-1-91; OSU 2-1992, f. 6-5-92, cert. ef. 7-1-92; OSU 5-1993, f. 6-9-93, cert. ef. 7-1-93; OSU 1-1994, f. 6-8-94, cert. ef. 7-1-94; OSU 2-1995, f. 6-20-95, cert. ef. 7-1-95; OSU 6-1996, f. & cert. ef. 7-1-96; OSU 5-1997, f. 6-16-97, cert. ef. 7-1-97; OSU 7-1998, f. 6-30-98, cert. ef. 7-1-98; OSU 3-1999, f. 6-17-99, cert. ef. 7-1-99; OSU 1-2000, f. 6-21-00, cert. ef. 7-1-00; OSU 5-2001, f. 6-18-01, cert. ef. 7-1-01; OSU 6-2002, f. 6-5-02, cert. ef. 7-1-02; OSU 1-2003, f. 6-19-03, cert. ef. 7-1-03; OSU 1-2004, f. 6-23-04, cert. ef. 7-1-04; OSU 1-2005, f. 6-13-05, cert. ef. 7-1-05; OSU 1-2006, f. 6-23-06, cert. ef. 7-1-06; OSU 1-2007, f. 6-18-07, cert. ef. 7-1-07; OSU 3-2008, f. 6-27-08, cert. ef. 7-1-08; OSU 2-2009, f. 6-16-09, cert. ef. 7-1-09; OSU 1-2010, f. 6-30-10, cert. ef. 7-1-10; OSU 1-2011, f. 6-13-11, cert. ef. 7-1-11; OSU 8-2011, f. & cert. ef. 12-27-11; OSU 3-2012, f. 6-6-12, cert. ef. 7-1-12; OSU 7-2012, f. 12-24-12, cert. ef. 1-1-13; OSU 4-2013, f. 6-7-13, cert. ef. 7-1-13; OSU 5-2013, f. & cert. ef. 12-18-13; OSU 2-2014(Temp), f. 2-21-14, cert. ef. 4-9-14 thru 6-30-14

Rule Caption: Student conduct procedures and proceedings.

Adm. Order No.: OSU 3-2014(Temp)

Filed with Sec. of State: 3-5-2014

Certified to be Effective: 3-6-14 thru 6-30-14

Notice Publication Date:

Rules Adopted: 576-015-0052

Rules Amended: 576-015-0043, 576-015-0045, 576-015-0050, 576-015-0056, 576-015-0060

Subject: Revises Student Conduct and Community Standards (“SCCS”) process to allow the Office of Equity and Inclusion (“OEI”) to investigate and issue determinations of responsibility for allegations of sexual harassment, discriminatory harassment, and rape, sexual assault, or unwanted sexual contact of any kind. See 576-015-0020(6), (7) and (11), respectively. The new process will provide accused students with procedural safeguards equivalent to those made available in the past while not forcing survivors to appear in a hearing before a committee of their peers. It will also allow OEI—who is OSU’s Title VII and Title IX coordinator—to exercise its expertise in managing these types of investigations.

Rules Coordinator: Beth Giddens—(541) 737-2449

576-015-0043

Notice

(1) Upon receiving a complaint or report that a Student or Student Organization may have violated the Student Conduct Code, the Director of SCCS or the Office of Equity and Inclusion (“OEI”) will notify the Student/Student Organization in writing of the alleged violation(s). The notice will inform the Student or Student Organization of the rule(s) said to have been violated and a description of the acts or omissions alleged to have been in violation of the Student Conduct Code.

(2) If the Director of SCCS determines the alleged violation(s) of 576-015-0020(1)–(5), (8)–(10), or (12)–(23) may result in Suspension or Expulsion, the notice described in subsection (1) will set a time and place for a SCCS Committee hearing. If the conduct at issue has also given rise to alleged violations of 576-015-0020(6), (7) or (11), this notice may be sent by the Office of Equity and Inclusion pursuant to subsection (3). The period of time between the hearing date and the accused Student’s or Student Organization’s receipt of the notice must be at least 72 hours. The Director of SCCS will notify the Student/Student Organization that the SCCS Committee Hearing may be waived and, in its place, the case heard by the Director of SCCS or designee.

(3) If the Office of Equity and Inclusion (“OEI”) determines the alleged violation(s) of 576-015-0020(6), (7) or (11) may result in Suspension or Expulsion, the notice described in subsection (1) will set forth a time and place for a hearing with a Hearing Officer assigned by the Office of Equity and Inclusion pursuant to the process set forth in 576-015-0057. The period of time between the hearing and the accused Student’s or Student Organization’s receipt of the notice must be at least 72 hours.

(4) If there is an allegation of academic dishonesty as defined in OAR 576-015-0020(2), the Director of SCCS will determine what conduct proceeding is appropriate. If there is a record of a previous incident of academic dishonesty, the Director of SCCS will send written notice to the

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Student of a SCCS Committee hearing, as described in subsections (1) and (2) of this rule, and 576-015-0050.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070
Hist.: OSU 4-1998, f. & cert. ef. 6-24-98; OSU 1-2001, f. & cert. ef. 2-21-01; OSU 2-2002, f. & cert. ef. 2-25-02; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10; OSU 3-2014(Temp), f. 3-5-14, cert. ef. 3-6-14 thru 6-30-14

576-015-0045

Determination by the Director of Student Conduct and Community Standards

(1) If the Student or Student Organization receiving notice under 576-015-0043(2) elects to have the case heard by the Director of SCCS or designee, the Student/Student Organization will be informed of the evidence of the violation(s) and will be given an opportunity to explain the behavior. The Student/Student Organization may bring any third party advisor to any meetings so long as the availability of the advisor does not hamper the timeliness of the hearing. The Student/Student Organization will be expected to speak for him/herself or themselves at all times.

(2) If the Student or Student Organization fails to meet with the Director of SCCS or designee, the Director may take conduct action in the Student's/Student Organization's absence.

(3) The accused Student or Student Organization will be informed orally or in writing of the decision and will be informed of the right to appeal to the Vice Provost for Student Affairs, pursuant to OAR 576-015-0060.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070
Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 8-1995, f. & cert. ef. 12-29-95; OSU 4-1998, f. & cert. ef. 6-24-98; OSU 1-2001, f. & cert. ef. 2-21-01; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10; OSU 3-2014(Temp), f. 3-5-14, cert. ef. 3-6-14 thru 6-30-14

576-015-0050

Student Conduct and Community Standards (SCCS) Committee Hearing

(1) Students or Student Organizations who receive notice under 576-015-0043(2) may elect to participate in a SCCS Committee Hearing. Students or Student Organizations who receive notice under 576-015-0043(3) are subject to the process set forth in 576-015-0057.

(2) When an SCCS Committee hearing is called, the accused Student or Student Organization will appear before a panel of up to five faculty or staff and five Students appointed by the Vice Provost for Student Affairs and the Associated Students of Oregon State University, respectively. The Bylaws of the SCCS Committee are available from the Vice Provost for Student Affairs or the SCCS office.

(3) All SCCS Committee hearings are closed and information presented along with all supporting documents will be disseminated internally only on a need to know basis and will not be disseminated externally except as required by law. The hearing is informal and does not follow administrative contested case or courtroom procedures.

(4) If the Student or Student Organization has been properly notified and fails to appear, the SCCS Committee may proceed with the hearing and conduct action may be taken.

(5) During the hearing, the accused Student or Student Organization may be accompanied by an advisor of the Student's/Student Organization's choice. The advisor may be a faculty or staff member, fellow Student, parent, or any person of the Student's/Student Organization's choice so long as the availability of the advisor does not hamper the timeliness of the hearing. The Student/Student Organization may choose to have an attorney serve as advisor, however the advisor does not represent the Student/Student Organization in a conduct hearing and the Student/Student Organization will be expected to speak for him/herself or themselves at all times.

(6) During the hearing, the Student or Student Organization has the opportunity to offer information and testimony on his/her/its own behalf. The Student/Student Organization also has the opportunity to review and respond to all information, statements, or evidence presented.

(7) The chairperson of the SCCS Committee, or designee, will decide any questions or objections to hearing procedures that are raised during the hearing.

(8) Members of the Committee may ask questions of any person present during the hearing and the chairperson will invite questions and comments from the accused Student/Student Organization and the victim-claimant if present. The chairperson may also invite questions or comments from advisors or others present. If the chairperson decides an essential person or piece of information is missing, the chairperson may decide to reconvene the hearing at the earliest practical time that the missing information will be available.

(9) After the chairperson has determined that all necessary information has been presented and questions answered, the Committee will go into executive session and all other persons will be excused. The Committee will determine, based on a preponderance of the evidence, whether or not it believes the accused Student/Student Organization is responsible for a violation of the Conduct Code and, if so, the Committee will reconvene with the accused Student/Student Organization and a representative of SCCS to consider what sanctions may be appropriate. The accused Student/Student Organization may waive his/her/their right to be present. The Committee may consider:

(a) Evidence of any mitigating circumstances presented by the Student/Student Organization; and

(b) Other relevant information, including but not limited to, evidence of prior violations of the Student Conduct Code presented by a representative of SCCS.

(10) The Committee will again go into executive session to make a decision about appropriate sanctions. The time between the conclusion of the hearing and the delivery of the recommendation to the Director of SCCS shall be no more than three days, excluding weekends and holidays. The Committee's decision will be in the form of a written recommendation to the Director of SCCS.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070
Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 8-1995, f. & cert. ef. 12-29-95; OSU 4-1998, f. & cert. ef. 6-24-98; OSU 1-2001, f. & cert. ef. 2-21-01; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10; OSU 4-2011, f. & cert. ef. 6-13-11; OSU 3-2014(Temp), f. 3-5-14, cert. ef. 3-6-14 thru 6-30-14

576-015-0052

Investigations and Determinations of Responsibility by the Office of Equity and Inclusion

(1) The Office of Equity and Inclusion ("OEI") will assign a Hearing Officer to investigate a Student or Student Organization's alleged violation of 576-015-0020(6), (7) or (11). The Hearing Officer may also investigate and issue a determination of responsibility for other alleged conduct violations related to the incidents giving rise to the alleged violation of 576-015-0020(6), (7) or (11). The Hearing Officer will review and consider all relevant evidence discovered through the Hearing Officer's investigation, and may include but is not limited to, information provided by the survivor, witnesses, or the accused through interviews or otherwise;

(2) If the Hearing Officer determines that the alleged violation(s) may result in suspension or expulsion, the accused Student or Student Organization will be informed of the evidence of the violation(s) and will be given an opportunity to explain the behavior during a hearing with the Hearing Officer. During this hearing, the Student or Student Organization has the opportunity to offer information and testimony on his/her/its own behalf. The Student or Student Organization also has the opportunity to review and respond to all information, statements, or evidence presented, and to pose questions that the Hearing Officer may choose to later ask witnesses or the survivor;

(3) The Student or Student Organization may be accompanied by an advisor to any meeting so long as the availability of the advisor does not hamper the timeliness of the interview. The advisor may be a faculty or staff member, fellow Student, parent, or any person of the Student's or Student Organization's choice. The Student or Student Organization may choose to have an attorney serve as advisor, however the advisor does not represent the Student or Student Organization in the hearing and the Student or Student Organization will be expected to speak for him or herself or themselves at all times.

(4) If the Student or Student Organization has been properly notified and fails to attend his or her hearing with the assigned Hearing Officer, the Hearing Officer may render a determination of responsibility without input from the accused Student or Student Organization.

(5) Hearings conducted by the Hearing Officer are closed and information presented along with all supporting documents will be disseminated internally only on a need to know basis and will not be disseminated externally except as required by law. The hearing is informal and does not follow administrative contested case or courtroom procedures.

(6) The Hearing Officer will decide any questions or objections to this process that are raised during the investigatory process;

(7) After the Hearing Officer has determined that all necessary information has been presented and questions answered, the Hearing Officer will determine, based on a preponderance of the evidence, whether or not he or she believes the accused Student/Student Organization is responsible for the alleged conduct violations;

(8) If the Hearing Officer determines that the Student or Student Organization is responsible for one or more of the alleged conduct viola-

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tions, the Hearing Officer will recommend a sanction to the Director of SCCS. In considering what sanctions may be appropriate, the Hearing Officer may consider:

(a) Evidence of any mitigating circumstances presented by the Student/Student Organization; and

(b) Other relevant information, including but not limited to, evidence of prior violations of the Student Conduct Code.

(9) The Hearing Officer will notify the Director of SCCS in writing of the Hearing Officer's determination of responsibility and recommended sanction.

(10) Upon receiving the Hearing Officer's recommended sanctions, the Director of SCCS may meet with the Student or Student Organization to hear evidence of any mitigating circumstances. The accused Student/Student Organization may waive his/her/their right to this meeting. The Director of SCCS will then affirm or modify the Hearing Officer's recommended sanctions as the Director deems appropriate;

(11) The accused Student or Student Organization will be informed orally or in writing of the decision and will be informed of the right to appeal to the Vice Provost for Student Affairs, pursuant to OAR 576-015-0060.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070
Hist.: OSU 3-2014(Temp), f. 3-5-14, cert. ef. 3-6-14 thru 6-30-14

576-015-0056

Emergency Action

(1) The Director of SCCS or designee may, in coordination with the Department of Public Safety ("DPS"), take emergency action when necessary to secure the health or safety of other persons, or the Student against whom the action is taken (the accused Student) and there is an alleged violation of the Student Conduct Code.

(2) Emergency Action includes but is not limited to:

(a) Immediate Suspension from the University;

(b) Restriction of the accused Student's presence on University property and/or at University events.

(3) At the time that the Emergency Action takes place, the Director of SCCS or designee shall:

(a) Inform the accused Student of the reason for the Emergency Action;

(b) Give the accused Student the opportunity to explain why an Emergency Action need not be taken;

(c) Inform the accused Student that a preliminary hearing will take place according to section (4) of this rule, and that the accused Student will be informed of its time, place and date.

(4) The preliminary hearing shall take place within two business days of the Emergency Action. At this hearing the accused Student shall have a full opportunity to demonstrate to the Director of SCCS or designee and the Director of DPS or designee that none of the conditions specified in section (1) of this rule apply. As with other proceedings, the accused Student may be accompanied by an advisor, but must speak for him/herself at all times.

(5) Based on the reasonable evaluation of the evidence presented at the preliminary hearing, the Director of SCCS or designee shall notify the accused Student within 24 hours of the decision to:

(a) Dissolve the Emergency Action and take no further action; or

(b) Dissolve the Emergency Action but proceed to a full hearing regarding the accused Student's behavior as prescribed in the Student Conduct Code; or

(c) Sustain the Emergency Action until such time as a formal hearing regarding the accused Student's conduct may be held, but not to exceed two weeks.

(6) Formal hearings subsequent to an Emergency Action shall occur no later than ten (10) business days after the preliminary hearing and shall be administered pursuant to OAR 576-015-0050 to 576-015-0055.

(7) If the Student Conduct Committee or a hearing officer recommends that the restriction on the accused Student's housing or enrollment be removed, the Student will not be assessed fees for reinstatement.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070
Hist.: OSU 1-2001, f. & cert. ef. 2-21-01; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10; OSU 3-2014(Temp), f. 3-5-14, cert. ef. 3-6-14 thru 6-30-14

576-015-0060

Conduct Action Appeals

(1) Appeals of the decision of the Director of SCCS or Hearing Officer shall be made to the Vice Provost for Student Affairs whose decision is final. In appeals concerning Academic or Scholarly Dishonesty, the Vice Provost for Student Affairs will confer with the Vice Provost for

Academic Affairs and International programs or designee before the decision is made.

(2) Appeals must be in writing and filed with the Vice Provost for Student Affairs within 15 calendar days following the date the action is taken.

(3) The request for an appeal must include specific justification, including: errors, failure to consider all of the evidence presented, or any other action, including any new evidence not known at the time of the original hearing, which denied the Student a fair hearing.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070
Hist.: OSU 1-1991, f. & cert. ef. 3-6-91; OSU 1-1993, f. & cert. ef. 5-7-93; OSU 8-1995, f. & cert. ef. 12-29-95; OSU 4-1998, f. & cert. ef. 6-24-98; OSU 1-2001, f. & cert. ef. 2-21-01; OSU 2-2010, f. 6-30-10, cert. ef. 7-1-10; OSU 3-2014(Temp), f. 3-5-14, cert. ef. 3-6-14 thru 6-30-14

Oregon Utility Notification Center Chapter 952

Rule Caption: Adopts Housekeeping and Clarifying Amendments to OUNC Rules and a Permanent Notice Rule.

Adm. Order No.: OUNC 1-2014

Filed with Sec. of State: 3-7-2014

Certified to be Effective: 3-7-14

Notice Publication Date: 1-1-2014

Rules Adopted: 952-001-0003

Rules Amended: 952-001-0010, 952-001-0020, 952-001-0030, 952-001-0040, 952-001-0050, 952-001-0060, 952-001-0070, 952-001-0080, 952-001-0090, 952-001-0100

Rules Repealed: 952-001-0003(T)

Subject: Housekeeping and clarifying changes are made to existing Oregon Utility Notification Center (OUNC) rules and a permanent notice rule is adopted.

Rules Coordinator: Diane Davis—(503) 378-4372

952-001-0003

Permanent Rulemaking Notice

(1) Before permanently adopting, repealing or amending any administrative rule, the Oregon Utility Notification Center (OUNC) will give notice of the proposed action by:

(a) Publishing notice of the rulemaking in the Secretary of State's Oregon Bulletin at least 21 days before the effective date of the rule;

(b) Mailing, electronically mailing, or personally delivering a copy of the notice to persons on the OUNC's applicable rulemaking notification list established per ORS 183.335(8) at least 28 days before the effective date of the rule;

(c) Mailing or electronically 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, e-mailing, or furnishing a copy of the notice to:

(A) The Associated Press; and

(B) Capitol Press Room.

(2) OUNC may update the mailing list annually by requesting persons to confirm that they wish to remain on the mailing list. If a person does not respond to a request for confirmation within 28 days of the date that OUNC sends the request, OUNC will remove the person from the mailing list. Any person removed from the mailing list will be immediately returned to the 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 183.341 & 757.552
Stat. Implemented: ORS 183.335 & 757.552
Hist.: OUNC 1-2013(Temp), f. & cert. ef. 11-14-13 thru 5-11-14; OUNC 1-2014, f. & cert. ef. 3-7-14

952-001-0010

Definitions

As used in 952-001-0010 through 952-001-0100:

(1) "Abandoned Facility" means an underground facility that is no longer in service and is physically disconnected from the operating facility that is in service.

(2) "Business day" means any 24-hour day other than a Saturday, Sunday or federal or state legal holiday.

(3) "Damage" means harm to, or destruction of underground facilities including, but not limited to, the weakening of structural, lateral or subjacent support; the penetration, impairment or destruction of any coating, housing or other protective device; or the denting of, penetration into or severance of underground facilities.

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(4) “Designer” means any person who prepares a drawing for construction or other project which requires excavation or demolition.

(5) “Designated Agent” means a person or entity specifically appointed to act for or serve as a representative for another person or entity.

(6) “Easement” means a nonpossessory interest in the land of another which entitles the holders of an interest in the easement to a private right of way embodying the right to pass across another’s land.

(7) “Emergency” means an occurrence involving an immediate danger, demanding prompt action to prevent loss of life, or to mitigate damage to property, or to prevent interruption of essential public services (as determined by an emergency response agency or the facility operator) or to prevent a customer service outage (as determined by the facility operator).

(8) “Excavation” means any operation in which earth, rock or other material on or below the ground is moved or otherwise displaced by any means, except sidewalk, road and ditch maintenance less than 12 inches in depth that does not lower the original grade or original ditch flow line. “Excavation” does not include the tilling of soil for agricultural purposes conducted on private property that is not within the boundaries of a recorded right-of-way or easement for underground facilities.

(9) “Excavator” means any person who engages in excavation.

(10) “Large area” means a proposed excavation requiring more work or time to locate utility facilities than can reasonably be completed within the parameters of section (1) of 952-001-0050.

(11) “Locatable underground facilities” means underground facilities which can be marked with reasonable accuracy.

(12) “Mark” or “marking” means an indication, from the use of stakes, paint or other clearly identifiable material, to show the field location or absence of underground facilities at a proposed work site. A “mark” or “marking” also includes permanent marking devices, such as disks, posts or signs, placed to show the location of underground facilities.

(13) “Non invasive methods” means using a practice to expose an underground facility that does not damage any part of the facility.

(14) “Notify” means to make known by any reasonable and legal means of communication.

(15) “Operator” means any person, municipal corporation, political subdivision of the state with control over underground facilities. Operator includes any person, as defined in ORS 756.010, having the right to bury underground facilities in any public right-of-way, or in any utility easement.

(16) “Operation” as used in ORS 757.542 (3) means the use of any tools, equipment or explosives. The term includes, but is not limited to, the use of powered and mechanized equipment, hand digging with tools, explosives, grading, trenching, digging, blasting, drilling, backfilling, dragging, augering, hammering, pile driving, plowing-in or pulling-in, test boring, tunneling, scraping, reclamation processes, and milling.

(17) “Oregon Utility Notification Center” (Center) means the state agency that administers a statewide system through which a person can notify operators of underground facilities of proposed excavations and can request that the underground facilities be marked.

(18) “Out-of-service facility” means an underground facility that has not been declared permanently abandoned and may still be connected to a portion of an operating facility that is in service.

(19) “Private property” as used in 757.542(3) means the ownership of property by non-governmental legal entities and public land leased or rented and controlled by private entities for agricultural purposes.

(20) “Project plans” mean any drawings, specifications or any other documents prepared in anticipation of work involving excavation.

(21) “Reasonable accuracy” means location, within 24 inches, of the outside lateral dimensions of both sides of an underground facility.

(22) “Response” means action taken by operators of underground facilities to:

(a) Mark or identify by other means the location of its locatable underground facilities in the area of the proposed excavation;

(b) Notify the excavator that there are unlocatable underground facilities in the area of the proposed excavation; or

(c) Notify the excavator that there are no underground facilities in the area of the proposed excavation.

(23) “Sidewalk, road and ditch maintenance” includes, but is not limited to, ditching, grinding, paving, shoulder maintenance, surveying, or grading. Unless otherwise classified on roadway plans, parallel or lateral ditches constructed as an integral part of the graded roadbed having a continuous slope from the outer limit of the shoulder to the bottom of the ditch to include ditch back slope within right of way will be considered to be within the roadway grading limits and will be part of the work covered by road and ditch maintenance that does not lower the original road grade or

the original ditch flow line. For purposes of this definition, the phrase “original road grade” refers to the original elevation of the road before gravel, rock, asphalt, cement, or other materials were applied on the ground to construct or finish a road. For purposes of this definition, the phrase, “original ditch flow line” means the documented or calculated grade between the outlet elevation of a culvert, drainage structure, water source, or place of origin to the inlet elevation of a culvert, drainage structure, water source or place of destination. Also for purposes of this definition, “sidewalk maintenance” includes but is not limited to removal and replacement of a sidewalk that is performed less than 12 inches in depth and does not lower the original grade of the sidewalk.

(24) “Tilling” means preparing land for the raising of crops to a depth that does not exceed 18 inches.

(25) “Underground facilities” means items partially or entirely below the surface of the ground for use in connection with the storage or conveyance of electrical energy, water, sewage, petroleum products, gas, gaseous vapors or hazardous liquids, or the transmission of electronic, telephonic, telegraphic or cable communications. Such items include, but are not limited to, pipes, sewers, conduits, cables, valves, lines, wires, man-holes, attachments and those parts of poles or anchors that are underground.

(26) “Unlocatable underground facilities” mean underground facilities that cannot be marked with reasonable accuracy, including nonconductive sewers and nonmetallic underground facilities that have no trace wires.

Stat. Auth.: ORS 183 & 757

Stats. Implemented: ORS 757.542

Hist.: OUNC 1-1997, f. & cert. ef. 4-17-97; OUNC 1-2000, f. & cert. ef. 8-28-00; OUNC 1-2006, f. & cert. ef. 10-13-06; OUNC 1-2014, f. & cert. ef. 3-7-14

952-001-0020

Project Plans to Notify Excavator of Requirements of Law

All project plans must contain the following statement:

ATTENTION: Oregon law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth in OAR 952-001-0001 through 952-001-0090. You may obtain copies of the rules by calling the center.

NOTE: The telephone number for the Oregon Utility Notification Center is (503) 232-1987).

Stat. Auth.: ORS 757.552

Stats. Implemented: ORS 757.552

Hist.: OUNC 1-1997, f. & cert. ef. 4-17-97; OUNC 1-2014, f. & cert. ef. 3-7-14

952-001-0030

Permits to Notify Excavator of Requirements of Law

Any entity authorized to issue permits for construction which requires excavation must include on such permits the language set out in OAR 952-001-0020.

Stat. Auth.: ORS 757.552

Stats. Implemented: ORS 757.552

Hist.: OUNC 1-1997, f. & cert. ef. 4-17-97; OUNC 1-2014, f. & cert. ef. 3-7-14

952-001-0040

Pre-Marking Required by the Excavator; Exemption

(1) Except as provided in section (2) of this rule, prior to notifying the Oregon Utility Notification Center, an excavator must pre-mark with the color white the immediate area of the proposed excavation within both the public rights-of-way and underground easements.

(2) An excavator need not pre-mark as required in section (1) of this rule if:

(a) The operator can determine precisely the direction, length and location of the proposed excavation by referring to a locate ticket; or

(b) Before the beginning of the proposed project, the excavator and the operator met at the construction site to exchange the information required under section (1) of this rule.

Stat. Auth.: ORS 757.552

Stats. Implemented: ORS 757.552

Hist.: OUNC 1-1997, f. & cert. ef. 4-17-97; OUNC 1-2014, f. & cert. ef. 3-7-14

952-001-0050

Excavator to Give Notice of Proposed Work; Exemption

(1) Except as provided in section (2) of this rule, at least 2 business days, but not more than 10 business days before beginning an excavation, the excavator must notify the Oregon Utility Notification Center of the date and location of the proposed excavation, and the type of work to be performed.

(2) The notice requirement of section (1) of this rule does not apply if the excavation is in response to an emergency, or if all of the following apply:

(a) The excavator is a tenant or an owner of private property;

(b) The excavation is on private property of that owner or tenant;

(c) The excavation is less than 12 inches in depth; and

(d) The excavation is not within an established easement.

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(3) An excavator, when giving notice in compliance with section (1) of this rule, must furnish information as to how the excavator can be contacted.

(4) If an excavator intends to perform work at multiple sites or over a large area, the excavator must take reasonable steps to work with the facility operators, including preconstruction meetings, so that the operators may locate their facilities at a time reasonably in advance of the actual start of excavation for each phase of the work.

Stat. Auth.: ORS 757.552

Stats. Implemented: ORS 757.552

Hist.: OUNC 1-1997, f. & cert. ef. 4-17-97; OUNC 1-2006, f. & cert. ef. 10-13-06; OUNC 1-2014, f. & cert. ef. 3-7-14

952-001-0060

When Excavator May Give Less than Forty-Eight (48) Business Day Hour Notice

An excavator may provide less than 2 business days (48 hours) prior notice if:

(1) The excavator is responding to an emergency, and the excavator notifies the Oregon Utility Notification Center immediately, and the excavator takes reasonable care to protect underground facilities;

(2) The excavator has an agreement with each operator of underground facilities that marks will be provided on a regular basis as the excavator progresses through a project; or

(3) The excavator discovers an underground facility in an area where the operator of underground facilities had previously indicated there were no facilities.

Stat. Auth.: ORS 757.552

Stats. Implemented: ORS 757.552

Hist.: OUNC 1-1997, f. & cert. ef. 4-17-97; OUNC 1-2014, f. & cert. ef. 3-7-14

952-001-0070

Operators to Mark Underground Facilities or Notify Excavator that None Exist

(1) Except as provided in section (3) of this rule, within 2 business days (48 hours) after the excavator notifies the Oregon Utility Notification Center of a proposed excavation, the operator or its designated agent must:

(a) Mark with reasonable accuracy all of its locatable underground facilities within the area of proposed excavation. All marks must indicate the name, initials or logo of the operator of the underground facilities, and the width of the facility if it is greater than 2 inches;

(b) Provide marks to the excavator of the unlocatable underground facilities in the area of proposed excavation, using the best information available including as-constructed drawings or other facility records that are maintained by the facility operator; or

(c) Notify the excavator that the operator does not have any underground facilities in the area of the proposed excavation. Acceptable notifications must include locate request call back information and if done with an AVR (Automated Voice Response) must have a repeat option and a call back number to hear the information again.

(2) Operators of abandoned facilities must mark said facilities to the standards of locatable facilities or unlocatable facilities.

(3) An operator must mark any known abandoned underground facility with a capital letter "A" inside of a circle, using the appropriate operator color and identification.

(4) An operator of any out-of-service underground facility must mark such facility in the same way it marks an underground facility that is in service.

(5) If an excavator uses offset marking, the excavator must correctly measure the amount of offset, so that the excavator can reestablish the location of underground facilities where originally marked.

(6) If the excavator notifies the operator of underground facilities discovered during an excavation in response to an emergency, the operator of underground facilities must comply with section (1) of this rule as soon as possible.

(7) Underground facilities must be marked using the following color code:

(a) RED — Electric power lines, cables or conduit, and lighting cables.

(b) YELLOW — Gas, oil, steam, petroleum, or other hazardous liquid or gaseous materials.

(c) ORANGE — Communications, cable TV, alarm or signal lines, cables or conduits.

(d) BLUE — Water, irrigation, and slurry lines.

(e) GREEN — Sewers, drainage facilities or other drain lines.

(f) WHITE — Pre-marking of the outer limits of the proposed excavation or marking the centerline and width of proposed lineal installations of buried facilities.

(g) PINK — Temporary Survey Markings.

(h) PURPLE — Slurry and reclaimed.

(8) In areas of ongoing excavation or construction, operators must mark newly installed underground facilities immediately upon placement.

(9) Except while making minor repairs to existing non-conductive, unlocatable facilities, an operator burying non-conductive, unlocatable facilities within the public rights-of-way or utility easements must place a tracer wire or other similar conductive marking tape or device with the facility to allow for later location and marking.

(10) An operator of underground drainage lines is not required to indicate the presence of those underground drainage lines if the existence and route of those drainage lines can be clearly determined from the presence of other visible facilities, such as manholes, catch basins, inlets, outlets, junction boxes, storm drains or permanent marking devices.

(11) An operator of underground drainage lines in the area of the proposed excavation must:

(a) Provide the excavator the best available description of the underground drainage lines, including as-constructed drawings or other facility maps maintained by the underground drainage lines operator; or

(b) Contact the person requesting locates, meet with the person or their designee prior to the beginning of the proposed project, and convey the information required under paragraph (a) of this section.

Stat. Auth.: ORS 183 & 757

Stats. Implemented: ORS 757.552

Hist.: OUNC 1-1997, f. & cert. ef. 4-17-97; Administrative Reforming 1-19-98; OUNC 1-2000, f. & cert. ef. 8-28-00; OUNC 1-2006, f. & cert. ef. 10-13-06; OUNC 1-2008, f. & cert. ef. 5-30-08; OUNC 1-2014, f. & cert. ef. 3-7-14

952-001-0080

Operators to Respond to Notifications Requesting Design Information

Within 10 business days after a designer notifies the Oregon Utility Notification Center of a proposed project, the operator of the underground facilities must:

(1) Mark with reasonable accuracy all of its locatable underground facilities within the area of proposed excavation. All marks must indicate the name, initials or logo of the operator of the underground facilities, and the width of the facility if it is greater than 2 inches;

(2) Provide the excavator the best description available to the operator of the unlocatable underground facilities in the area of the proposed excavation including as-constructed drawings, or other facility maps that are maintained by the facility operator; or

(3) Contact the person requesting design information and agree on a time, prior to the beginning of the proposed project, for exchange of the information required under section (1) or section (2) of this rule.

Stat. Auth.: ORS 757.552

Stats. Implemented: ORS 757.552

Hist.: OUNC 1-1997, f. & cert. ef. 4-17-97; OUNC 1-2014, f. & cert. ef. 3-7-14

952-001-0090

Delay of Excavation Until Response from Facility Operators; Duty of Excavator to Use Reasonable Care; Damage to Facilities

(1) An excavator may not begin an excavation which requires notice under these rules until the excavator has received a response from each operator of underground facilities in the area of the proposed excavation, or until at least 2 business days (48 hours) have elapsed from the time the excavator notified the Oregon Utility Notification Center.

(2) Once underground facilities have been marked, the excavator must:

(a) Maintain marks during the excavation period to ensure that the original marks remain effective for the life of the project and can be re-established;

(b) Stop excavating in the vicinity of the underground facility and notify the Oregon Utility Notification Center to have the route remarked as specified in these rules, if prior to or during the excavation process, the marking or route of any underground facility is removed or no longer visible; and

(c) Employ hand tools or other such non-invasive methods to determine the exact location of the underground facility when excavation is to be made within the reasonable accuracy zone.

(3) The excavator must provide such lateral and subjacent support for underground facilities as may be reasonably necessary for the protection of such facilities.

(4) If the excavator causes or observes damage to underground facilities, the excavator must notify the operator of the underground facilities

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immediately. If the damage causes an emergency, the excavator must also notify all appropriate local public safety agencies immediately by calling 911 and must take reasonable steps to insure the public safety. The excavator must not bury damaged underground facilities without the consent of the operator of the damaged underground facilities.

(5) If an excavator discovers underground facilities in an area where the operator of the underground facilities had previously stated there were no underground facilities, prior to continuing excavation the excavator must notify the Oregon Utility Notification Center. After providing notification, the excavator must use extreme care in the affected area.

(6) If an excavator is informed that a critical facility, as determined by the operator, is in the area of their excavation and that an operator-provided monitor is required on site during the excavation, the excavator must not begin excavation without that monitor being present or without the facility operator's consent. The scheduling and fulfillment of this monitoring must in no way interfere with or delay the work.

Stat. Auth.: ORS 757.552

Stats. Implemented: ORS 757.552

Hist.: OUNC 1-1997, f. & cert. ef. 4-17-97; OUNC 1-2014, f. & cert. ef. 3-7-14

952-001-0100

Record Keeping Requirements

(1) Abandoned Facilities: Except as provided in section (3) of this rule, all operators must maintain records, by mapping or other means, of all underground facilities abandoned on or after April 1, 2002, that show:

- (a) The location of such facility to the level of detail when abandoned;
- (b) The date of abandonment of such facility; and
- (c) Whether each such facility is a locatable underground facility or an unlocatable underground facility.

(2) Out-of-Service Facilities: Except as provided in section (3) of this rule, all operators must maintain records, by mapping or other means, of all underground facilities placed in out-of-service status on or after April 1, 2002, that show:

- (a) The location of such facility to the level of detail when placed in out-of-service status;
- (b) The date of abandonment of such facility; and
- (c) Whether each such facility is a locatable underground facility or an unlocatable underground facility.

(3) These record keeping requirements do not apply to operators who provide telecommunications, CATV or electric service for the underground facilities located between the operator's system and the customer's point of service.

Stat. Auth.: ORS 183 & 757

Stat. Implemented: ORS 757.542 - 757.562 & 757.993

Hist.: OUNC 1-2000, f. & cert. ef. 8-28-00; OUNC 1-2014, f. & cert. ef. 3-7-14

Parks and Recreation Department Chapter 736

Rule Caption: Restricts Smoking of Tobacco Products in State Parks

Adm. Order No.: PRD 1-2014

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

Certified to be Effective: 3-6-14

Notice Publication Date: 12-1-2013

Rules Amended: 736-010-0040

Subject: In order to protect park resources and promote healthy lifestyles this rule revision restricts the smoking of tobacco products on park lands, including but not limited to trails, developed day use areas, waysides, park roadways and common areas of campgrounds. Smoking will be allowed in: vehicles and personal camping units; designated campsites in developed overnight camping areas; day use areas managed as Safety Rest Areas through agreements with the Oregon Department of Transportation; and where allowed by the park manager for traditional ceremonies in accordance with the American Indian Religious Freedom Act.

Rules Coordinator: Vanessa DeMoe—(503) 986-0719

736-010-0040

Visitor Conduct

(1) A person shall cause, build, maintain, or accelerate a fire at a park property only in:

- (a) Park camp stoves or fireplaces provided for such purpose;
- (b) Portions of beach areas designated as permissible for campfires;

or

(c) Portable stoves used at established campsites, picnic areas, or beach areas where fires are designated as permissible.

(2) A person who has caused, built, or maintained an allowed fire shall:

(a) Burn only paper products and untreated natural wood free of attached metal, nails, glass or plastic objects;

(b) Burn wood no longer than 24 inches in length;

(c) Attend the fire at all times, breaking it apart and extinguishing it completely with water before leaving the immediate area;

(d) Use no gasoline, diesel or any other petroleum-based products to start or maintain a fire; and

(e) Ensure that any fire that they set does not cause personal injury or damage to private property or park resources.

(3) The park manager may temporarily restrict or prohibit fires in otherwise allowed situations due to high fire hazard conditions, and all persons shall observe such restrictions.

(4) A person may not injure, mutilate, deface, damage, harass, or remove any park resource, property, structure or facility of any kind at a park property, except as provided in OAR 736-010-0055.

(5) A person shall in no manner cause any rubbish, garbage, refuse, organic or inorganic waste, diseased or dead animals, or other offensive matter or any abandoned property or material to be placed or left at a park property, except for:

(a) Recreational vehicle sewage and gray water holding tank contents that are disposed of in designated dump stations;

(b) Garbage, trash, and recyclables generated while using a park property and disposed of in the designated containers provided.

(6) A person may not remove items from containers designated for recyclables, garbage, sewage or waste without authorization of the park manager.

(7) A person may not leave personal property or possessions overnight in a day use area without written permission from the park manager or designated park staff.

(8) While many activities are allowed on park property, the following activities are specifically prohibited at park properties, and a person may not engage in:

(a) Using or operating any noise producing machine, vehicle, device or instrument in a manner that disturbs or may disturb other park visitors except as allowed in section 10 below;

(b) Using a public address system or similar device without written permission of the park manager;

(c) Possessing, discharging, or causing to be discharged, any fire-cracker, explosives, torpedoes, rockets, fireworks or other similar materials or substances without the written permission of the park manager or designated park employee;

(d) Using a metal detector or similar device without written permission of the park manager or designated employee at any park property or portion of a park property not listed on the "Detecting Allowed" list, published on the state park website;

(e) Obstructing, harassing or interfering with a park employee or peace officer in the performance of their duties;

(f) Entering or occupying any building, facility or portion of a park property that has been closed to public access; punishable as a Class C misdemeanor pursuant to ORS 164.245;

(g) Blocking, obstructing or interfering with vehicular or pedestrian traffic on any road, parking area, trail, walkway, pathway or common area; punishable as a Class C misdemeanor pursuant to ORS 164.245;

(h) Occupying or interfering with access to any structure, office, lavatory or other facility in a manner which interferes with the intended use of such a structure or facility; punishable as a Class C misdemeanor pursuant to ORS 164.245;

(i) Fighting; or promoting, instigating or encouraging fighting or similar violent conduct which would threaten the physical well-being of any person at the park property;

(j) Smoking tobacco products except:

(A) In vehicles and personal camping units in accordance with all applicable laws governing smoking in vehicles;

(B) In designated campsites in developed overnight camping areas, unless temporarily suspended by the park manager due to high fire hazard conditions;

(C) In day use areas managed as Safety Rest Areas through agreements with the Oregon Department of Transportation; and

(D) Where allowed by the park manager for personal use by a member of a federally recognized Oregon tribe as part of their traditional religious, medicinal, or other customary cultural heritage practices;

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(k) Activities or conduct which constitutes a public nuisance or hazard;

(l) Public indecency as defined in ORS 163.465;

(m) Base-jumping, hang gliding, paragliding or similar activities without written permission from the park manager except that the use of hang gliders is allowed at Cape Kiwanda State Natural Area;

(n) Discharging any firearm, bow and arrow, slingshot, pellet gun, or other weapon capable of injuring humans or wildlife or damaging property, except at those park property locations and for those purposes specified in OAR 736-010-0055(7);

(o) Placing a sign, marker or inscription of any kind, except in designated areas within a park property, without written permission from the park manager;

(9) A person may only distribute circulars, notices, leaflets, pamphlets or written or printed information of any kind within a park property after they have first obtained permission from the park manager and reported their name, address and number of leaflets to be distributed.

(10) A person must obtain a special use permit from the department for any activity or use as described in OAR 736-016-0005(1), including but not limited to an activity or use within a park property that:

(a) Is an organized group activity or event attended by over 50 people;

(b) Uses a portion of a park property to the exclusion of other persons or the department;

(c) Modifies or embellishes the park property, or places structures, such as tents, chairs, arches, and similar structures on the park property in a manner outside of normal recreational use, as determined by the park manager or enforcement officer;

(d) Uses public-address, amplification or lighting systems, other than those designed for personal use;

(e) Charges money for participation or admission;

(f) Involves the sale of products or services;

(g) Could disturb the natural, cultural, scenic and recreational resources in the park property or adjacent areas;

(h) Could pose a safety or access concern for other park users or for those involved in the event or activity.

(11) A person who obtains a special use permit under OAR chapter 736, division 16 must comply with all the provisions of division 16, special use permit conditions, and with instructions from the department.

(12) All money or goods, having a value of \$100 or more and found by the public at park properties, must be turned over to the park manager or a park employee. All found money or goods will be disposed of according to department policy adopted in accordance with ORS 98.005.

(13) The director or designee may close rock formations and cliffs within a park property to descending, scaling or technical rock climbing. A person that engages in such activities at such locations commits a Class C misdemeanor as provided in section (8)(f).

(14) The director or designee may close park access to lakes, streams or waterfalls for kayaking, boating, diving, swimming, or other water recreation activities when the park manager has determined the activity to be a danger to participants. Persons accessing through closed areas to engage in such activities commit a Class C misdemeanor as provided in section (8)(f).

(15) A person using a park property shall pay rates and comply with procedures and restrictions as established in OAR chapter 736, division 15 for use of designated facilities or the purchase of services or products.

Stat. Auth.: OAR 390.124

Stats. Implemented: ORS 390.111, 163.465, 433.835 - 433.875 & 498.006

Hist.: 1 OTC 17, f. 12-20-73; 1 OTC 23, f. 2-19-74; 1 OTC 56 (Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 22-1979 (Temp), f. & ef. 9-24-79; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 5-1983, f. & ef. 3-30-83; PR 3-1984, f. & ef. 3-5-84; PR 1-1990, f. & cert. ef. 5-14-90; PR 4-1991, f. 4-30-91, cert. ef. 5-13-91; PR 8-1993, f. & cert. ef. 5-11-93; PR 13-1993, f. 7-12-93, cert. ef. 8-2-93; PR 7-1996, f. 8-14-96, cert. ef. 8-15-96; PRD 4-2000, f. & cert. ef. 4-5-00; Renumbered from 736-010-0045, 736-010-0070, 736-010-0125, 736-015-0045 & 736-015-0067, PRD 4-2005, f. & cert. ef. 5-5-05; PRD 8-2007, f. & cert. ef. 8-28-07; PRD 11-2008, f. & cert. ef. 12-15-08; PRD 11-2009, f. & cert. ef. 6-18-09; PRD 2-2013, f. & cert. ef. 7-19-13; PRD 1-2014, f. & cert. ef. 3-6-14

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Physical Therapist Licensing Board Chapter 848

Rule Caption: Update Division 35 Continuing Competency/CE Requirements

Adm. Order No.: PTLB 1-2014

Filed with Sec. of State: 2-21-2014

Certified to be Effective: 4-1-14

Notice Publication Date: 11-1-2013

Rules Amended: 848-035-0010, 848-035-0015, 848-035-0020, 848-035-0030, 848-035-0035, 848-035-0040

Subject: Highlights of changes to CE rules include change in terminology from “continuing education (CE)” to “continuing competency (CC)” plus language broadening the scope of activities allowed to satisfy the requirement; change in the total number of CC credits required by a PTAs within the two year certification period from 12 to 24 the same requirement as PTs; new language allowing the Board to make CC exceptions under certain circumstances; new language closing loopholes and addressing areas of abuse and further clarification of existing rule language.

Rules Coordinator: James Heider—(971) 673-0203

848-035-0010

Purpose

The 2005 Oregon Legislation gave new authority to the Physical Therapist Licensing Board, effective January 1, 2006, to adopt rules establishing minimum continuing competence requirements for all licensees. The following rules set out the requirements.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160(6)(g)

Hist.: PTLB 1-2006, f. & cert. ef. 4-14-06; PTLB 1-2014, f. 2-21-14, cert. ef. 4-1-14

848-035-0015

Definitions

As used in this Division:

(1) “Continuing Competence” means continuing education course work or other professional activities as provided in OAR 848-035-0030(1).

(2) “Certification period” means a 24 month continuing competence certification period which runs from April 1st of each even numbered year, through March 31st of the next even numbered year, i.e. April 1, 2012 through March 31, 2014.

(3) “Initial Certification Period” means January 1, 2006 through March 31, 2008.

(4) “Hours” means contact hours.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160(6)(g)

Hist.: PTLB 1-2006, f. & cert. ef. 4-14-06; PTLB 1-2014, f. 2-21-14, cert. ef. 4-1-14

848-035-0020

Required Hours and Period for Completion

(1) All licensed physical therapists and physical therapist assistants are required within each certification period to complete 24 hours of continuing competence relating to the delivery or provision of physical therapy services.

(2) Notwithstanding the provisions of subsection (1) of this rule, any person who is first issued an Oregon physical therapist or physical therapist assistant license through examination pursuant to OAR 848-010-0015, or through endorsement pursuant to 848-010-0020, anytime during the first year of a certification period (April 1st of an even numbered year through March 31st of an odd numbered year), must complete the full 24 hours of continuing competence required for that certification period. A person who is first issued an Oregon physical therapist or physical therapist assistant license anytime during the second year of a certification period (April 1st of an odd numbered year through March 31st of an even numbered year), must complete one-half (12 hours) of the continuing competence required for that certification period. Thereafter, such licensees must complete the same continuing competence requirements as other licensees.

(3) Notwithstanding the provisions of subsection (1) of this rule, a physical therapist or physical therapist assistant, whose Oregon license has lapsed pursuant to OAR 848-010-0033(1), and who subsequently renews the lapsed license pursuant to 848-010-0035, anytime during the first year of a new certification period (April 1st of an even numbered year through March 31st of an odd numbered year), must complete the full 24 hours of continuing competence required for that certification period. A person whose lapsed physical therapist or physical therapist assistant license is renewed anytime during the second year of a certification period (April 1st of an odd numbered year through March 31st of an even numbered year), must complete one-half (12 hours) of the continuing competence required for that certification period.

(4) Any licensee whose license lapses on April 1st of an even numbered year, regardless of the reason, and who subsequently renews the lapsed license during the first 12 months of a new certification period, shall provide documentation of completion of the continuing competence requirements for the immediately prior certification period before the license will be renewed.

ADMINISTRATIVE RULES

(5) For purposes of determining whether a licensee has satisfied the continuing competence requirement under section (2), (3) or (4) of this rule, the Licensing Board will accept all qualifying continuing competence hours completed from the beginning date of the 24 month certification period in which the license was issued or renewed, regardless of the specific date the license was issued or renewed. For example, a person whose license is issued or renewed on June 15, 2013 will receive credit for all qualifying continuing competence hours completed at any time during the certification period of April 1, 2012 to March 31, 2014. This includes continuing competence taken by student physical therapists or student physical therapist assistants, outside their program requirements, while they are enrolled in a physical therapy program.

(6) Each twenty-four month period for completion of the required hours shall be April 1st of the even numbered year through March 31st of the next even numbered year. For example, the current twenty-four month period will be from April 1, 2012, through March 31, 2014.

(7) Failure to complete the required continuing competence by March 31st of an even-numbered year shall constitute a violation of this Division 35.

(8) Notwithstanding the provisions of this rule and OAR 848-010-0033(6), a physical therapist or physical therapist assistant who is renewing a license during an even numbered year and who was first licensed in Oregon between January 1st to and including March 31st of that even numbered year, is not required to complete continuing competence for the current certification period. Thereafter such licensees shall be subject to the continuing competence requirement for all subsequent continuing competence certification periods.

(9) The Board may, in individual cases involving physical disability or illness, undue hardship, or active military duty, grant waivers of the continuing competency requirements or extensions of time to fulfill the requirement. Applications for waiver shall be made to the Board in writing at least two months prior to license expiration.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160(6)(g)

Hist.: PTLB 1-2006, f. & cert. ef. 4-14-06; PTLB 1-2008(Temp), f. & cert. ef. 2-19-08 thru 4-2-08; Administrative correction 4-23-08; PTLB 2-2008, f. 12-16-08, cert. ef. 1-2-09; PTLB 1-2010, f. 2-16-10, cert. ef. 3-1-10; PTLB 1-2014, f. 2-21-14, cert. ef. 4-1-14

848-035-0030

Continuing Education Requirements and Restrictions

(1) The continuing competence requirements of this Division 35 may be satisfied through the following, which may include but are not limited to:

(a) Courses, seminars, activities, and workshops sponsored, certified, or approved by an established and recognized medical or dental health-related organization or professional association recognized by the Board;

(b) Courses or activities, directly related to the delivery or provision of physical therapy services and approved for continuing education or competency by other states which require continuing education or competency for physical therapists or physical therapist assistants;

(c) Courses or activities related to professional conduct and ethics;

(d) Courses provided by an accredited institution of higher education, which may include but are not limited to, courses leading to an advanced degree in physical therapy or other courses that advance the licensee's physical therapy competence. For purposes of this rule, one college credit is equal to 10 (ten) contact hours;

(e) Individual study courses, online courses and webinars, requiring an examination and recognized by an accredited institution or recognized health-related organization or professional association recognized by the Board;

(f) Courses in cardiopulmonary resuscitation (CPR) will be limited to one hour of continuing competence credit, regardless of the length of the course;

(g) Courses or lectures which a licensee presents if the course or lecture awards continuing education or competence units or hours to participants and the licensee requests continuing education or competence credit from the Board;

(A) The licensee may receive continuing competence units or hours equivalent to the actual credit hours awarded to participants for that portion of the program which the licensee presents;

(B) The maximum cumulative credit granted for presenting courses or lectures shall be no more than one half of the total continuing competence requirement during any certification period, or 12 hours and;

(C) A licensee may receive credit for presenting a particular course or lecture only one time during any certification period, regardless of how many times the licensee presents that course or lecture;

(h) Publishing an article in a peer review journal,

(A) The maximum credit granted for publishing an article shall be one half of the total continuing competence requirement during any certification period, or 12 hours and;

(B) A licensee may receive credit for publishing an article only one time during any certification period;

(i) Serving as a certified clinical instructor as follows:

(A) A licensee who has completed a Board-approved clinical instructor certification program may receive continuing competence credit equivalent to 1 credit hour for each 40 hours of direct clinical instruction to a physical therapist student or physical therapist assistant enrolled in a physical therapy or physical therapy assistant program.

(B) The maximum cumulative credit granted for serving as a clinical instructor shall be no more than one-third of the total continuing competence requirement during any certification period, or 8 hours.

(C) The licensee must obtain a letter or certificate from the student's academic institution verifying that the student has completed the course of clinical instruction;

(j) Completion of a specialty certification through the American Board of Physical Therapy Specialists, which shall qualify for 24 hours of continuing competence during the period in which the specialist certification is awarded;

(k) Completion of the Federation of State Board's of Physical Therapy's Practice Review Tool (PRT); which shall qualify for 6 hours of continuing competence for completion or 12 hours of continuing competence for completion with a passing score; and

(l) Courses or activities approved by the Board by special request.

(2) Notwithstanding subsection 1 of this rule, activities which will not satisfy the continuing competence requirement include:

(a) Courses provided by an accredited institution of higher education taken as part of the curriculum requirements of a CAPTE accredited physical therapy program;

(b) In service programs or required workplace orientation, training or competencies;

(c) Professional association meetings for purposes of business or policy decisions making;

(d) Entertainment or recreational meetings; or

(e) Attending meetings, holding office, or representing a professional association as a lobbyist or delegate.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160(6)(g)

Hist.: PTLB 1-2006, f. & cert. ef. 4-14-06; PTLB 2-2008, f. 12-16-08, cert. ef. 1-2-09; PTLB 1-2012, f. 2-9-12, cert. ef. 3-1-12; PTLB 1-2014, f. 2-21-14, cert. ef. 4-1-14

848-035-0035

Pain Management Course Requirement for Physical Therapists

(1) Effective January 2, 2008, all Oregon licensed physical therapists must fulfill a one-time only pain management education requirement as defined in ORS 409.500.

(2) Physical Therapists must complete the coursework requirement within a period of 24 months either before or after the first renewal of their physical therapist license.

(3) The requirement is seven hours of pain management education, which includes the completion of a one hour on-line pain management course sponsored and provided by the Oregon Pain Management Commission, plus an additional six hours of continuing education relative to the evaluation, diagnosis or treatment of pain.

(4) Effective November 1, 2012, all physical therapist applicants must provide evidence of completion of the one hour on-line pain management course as part of the initial application process.

(5) The seven hours of pain management education may be used to satisfy part of the physical therapist's continuing competence requirement under OAR 848-035-0020 for the current period. However, pain management education hours taken in a prior certification period and used to satisfy the pain management requirement cannot be used to satisfy part of the continuing competence requirement for the current certification period.

(6) Physical Therapist Assistants are exempt from the statutory requirement to complete the pain management education requirement but may elect to complete the Oregon Pain Management Commission's one hour on-line course for credit or complete other hours of education or competency related to the treatment or management of pain.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160(6)(g)

Hist.: PTLB 2-2008, f. 12-16-08, cert. ef. 1-2-09; PTLB 1-2014, f. 2-21-14, cert. ef. 4-1-14

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848-035-0040

Documentation of Continuing Competence Credits

(1) In order to qualify for credit against the required hours, a continuing competence course or activity must include a completion certificate. The certificate must include the title of the course or activity, the name of the sponsor or speaker, date of completion, number of hours and licensee's name.

(2) The licensee is responsible for obtaining a completion certificate from the sponsor or speaker. The licensee is further responsible for retaining the certificate in the event the Board requires the licensee to produce documentation of completion of the continuing competence requirement. All completion certificates shall be retained for a minimum of four (4) years from the certificate date.

(3) A licensee who is seeking to receive credit for serving as a clinical instructor is responsible for obtaining a letter or certificate of the student's completion of the course of clinical instruction from the academic institution for which the licensee served as a clinical instructor.

(4) The Board may require all or any percentage of physical therapists and physical therapist assistants who are renewing their licenses in the even numbered year to provide documentation of completion of the continuing competence requirements of this division 35.

Stat. Auth.: ORS 688.160

Stats. Implemented: ORS 688.160(6)(g)

Hist.: PTLB 1-2006, f. & cert. ef. 4-14-06; PTLB 2-2008, f. 12-16-08, cert. ef. 1-2-09; PTLB 1-2012, f. 2-9-12, cert. ef. 3-1-12; PTLB 1-2014, f. 2-21-14, cert. ef. 4-1-14

Psychiatric Security Review Board Chapter 859

Rule Caption: Psychiatric Security Review Board Civil Commitment for Extremely Dangerous Person with Mental Illness
Adm. Order No.: PSRB 1-2014

Filed with Sec. of State: 3-5-2014

Certified to be Effective: 3-5-14

Notice Publication Date: 2-1-2014

Rules Adopted: 859-200-0005, 859-200-0010, 859-200-0015, 859-200-0020, 859-200-0025, 859-200-0030, 859-200-0035, 859-200-0040, 859-200-0045, 859-200-0050, 859-200-0055, 859-200-0060, 859-200-0065, 859-200-0070, 859-200-0075, 859-200-0080, 859-200-0085, 859-200-0090, 859-200-0095, 859-200-0100, 859-200-0105, 859-200-0110, 859-200-0115, 859-200-0120, 859-200-0125, 859-200-0130, 859-200-0135, 859-200-0140, 859-200-0145, 859-200-0150, 859-200-0200, 859-200-0205, 859-200-0210, 859-200-0215, 859-200-0220, 859-200-0225, 859-200-0230, 859-200-0235, 859-200-0300, 859-200-0305, 859-200-0310

Subject: SB 421 (2013) created a new type of civil commitment and authorizes courts to place these individuals under the Psychiatric Security Review Board's jurisdiction for monitoring, treatment and supervision. These rules establish procedures and guidelines for the Psychiatric Security Review Board to supervise, monitor, determine appropriate placement and conduct hearings for these civilly committed persons placed under its jurisdiction.

Rules Coordinator: Lucy Heil—(503) 229-5596

859-200-0005

Background and Purpose of Extremely Dangerous Civil Commitment Program

(1) Oregon Laws 2013, Chapter 715 (SB 421) creates a new type of civil commitment where the person civilly committed is found by the court to be:

(a) Extremely dangerous;

(A) Because the person is at least 18 years old and is exhibiting symptoms or behaviors of a mental disorder substantially similar to those that preceded the act described in SB 421, section 2, (3)(a)(C)(2013); and

(B) Because of a mental disorder presents a serious danger to the safety of other persons by reason of an extreme risk that the person will inflict grave or potentially lethal physical injury on others; and

(C) Unless committed, will continue to represent an extreme risk to the safety of other persons in the foreseeable future.

(b) Suffers from a mental disorder that is resistant to treatment; and

(c) Because of the mental disorder that is resistant to treatment, the person committed one of the acts listed in SB 421, section 2, (3)(a)(C).

(2) Once committed, the court places the person under the PSRB for 24 months for supervision and monitoring while under the Board's juris-

dition. At the end of the 24-month commitment period, the court may recommit the person for additional 24-month commitment periods until such time the person meets the criteria for discharge.

(3) During the period(s) of commitment, persons can be placed at OSH or on conditional release or discharged.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0010

Rules Applicability

OAR 859-200-0005 through 859-200-0300 apply to a person who a court has civilly committed as an extremely dangerous person with mental illness under ORS chapter 426 and who is placed under the jurisdiction of the Psychiatric Security Review Board (PSRB). No other PSRB administrative rules apply to the cases of those civilly committed and placed under the Board's jurisdiction.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0015

Copies; Cost of Administrative Rules

State employees may receive a printed copy of Oregon Administrative Rules on request at no cost. Any person not employed by the State of Oregon shall pay \$0.25 per page for a printed copy of the Extremely Dangerous Civil Commitments Program Administrative Rules. Oregon Administrative Rules are available electronically at no charge from the Oregon Secretary of State website or from the Psychiatric Security Review Board's website.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0020

Definitions

(1) "Administrative review" means a meeting of the Board where a quorum is present and where the Board considers requests for conditional release, requests for community evaluations or modifications to a person's current conditional release plan. At these hearings, parties are not present and testimony is not taken.

(2) "Administrative meeting" means any meeting of the Board where a quorum is present for the purpose of considering matters relating to Board policy and administration. Minutes shall be taken during an administrative meeting and distributed to Board members and interested persons. Minutes shall be voted on and approved at subsequent administrative meetings.

(3) "Community evaluation" is an assessment by a community mental health provider who determines if a person is appropriate for conditional release and if so, under what conditional release plan.

(4) "Commitment county" means the county in which the district attorney filed the initial petition. This is the same as the county in which the person is initially committed as an extremely dangerous person with mental illness under the jurisdiction of the Board.

(5) "Conditional release" means a grant by the court or by the Board for the person to reside outside the state hospital in the community under conditions for monitoring and treatment of the mental disorder resistant to treatment and the mental and physical health of the person.

(6) "Discharge" means that the person is no longer under the jurisdiction of the Board because any of the following occurs:

(a) The Board or Court determines, after a hearing, that the person no longer suffers from a mental disorder that is resistant to treatment or is no longer extremely dangerous; or

(b) The maximum 24-month period of commitment has expired, and the Board has not certified the person for continued treatment.

(7) "Extremely dangerous person with mental illness" or "person" refers to an extremely dangerous person with mental illness who is civilly committed to the jurisdiction of the Board by a court.

(8) "Hearing" means a hearing before the Board to consider any legal matter under its jurisdiction. The parties are provided with an opportunity to be heard, including the submission of evidence and the testimony of witnesses.

(9) "Mental disorder" means:

(a) Any diagnosis of mental disorder which is a significant behavioral or psychological syndrome or pattern that is associated with distress or disability causing symptoms or impairment in at least one important area of an individual's functioning that is resistant to treatment.

(b) The term "mental disorder" does not include an abnormality manifested solely by repeated criminal or otherwise antisocial conduct. The

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term “mental disorder” does not include a disorder constituting solely a personality disorder and excludes a diagnosis of a developmental disability such as mental retardation, brain damage or other biological dysfunction that is associated with distress or disability causing symptoms or impairment in at least one important area of an individual’s functioning.

(10) “Parties” includes the extremely dangerous person with mental illness and the State of Oregon.

(11) “Psychiatric Security Review Board (PSRB)” or “Board” refers to the Adult Panel of the PSRB.

(12) “Quorum” means the presence of at least three members of the Adult Panel of the Board.

(13) “Recommitment” means any consecutive civil commitment of the person as an extremely dangerous person with mental illness under ORS chapter 426 occurring after another commitment on these grounds.

(14) “Recommitment county” means the county in which state hospital or state or local mental health facility providing treatment to the person is located at the time of certification of the person by the Board.

(15) “SB 421” means Oregon Laws 2013, Chapter 715 (SB 421).

(16) “Supervising individual”; or “ PSRB case manager” means the individual whom the Board has designated as supervising the person on conditional release and who is required to report to the Board regarding the person’s status.

(17) “State hospital; hospital” means a state hospital operated by the Oregon Health Authority.

(18) “Victim” means the person or persons who have suffered financial, social, psychological or physical harm as a result of one of the acts articulated in SB 421 and for whom the extremely dangerous mentally ill person who is under the Board’s jurisdiction. Victims include, in the case of a homicide or abuse of corpse in any degree, a member of the immediate family of the decedent and, in the case of a minor victim, the legal guardian of the minor. In no event shall the extremely dangerous mentally ill person be considered a victim.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0025

Responsibilities of the PSRB regarding Extremely Dangerous Persons with Mental Illness Civil Commitments

The Board shall have as its primary concern the protection of society. In addition, the Board’s responsibilities shall include but not be limited to:

(1) Holding hearings, as required by law, to determine the appropriate residential placement of persons under its jurisdiction;

(2) Overseeing the supervision of persons placed on conditional release in the community, including approving conditional release and modifying conditional release plans, as appropriate; and

(3) Facilitating the certification process at the end of the civil commitment period.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0030

Jurisdiction of Persons under the PSRB; Jurisdictional Criteria

(1) The Board has jurisdiction over persons committed by a court as extremely dangerous persons with mental illness and who continue to meet jurisdictional criteria.

(2) Jurisdictional criteria are the criteria necessary for a person to remain under the Board’s jurisdiction and include the following:

(a) The person suffers from a mental disorder that is resistant to treatment; and

(b) The person continues to be extremely dangerous.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0035

Administrative meetings

Three concurring votes are needed to make any decision at an administrative meeting.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0040

Public Meetings Law

(1) All hearings and administrative meetings of the PSRB are open to the public in accordance with the Public Meetings Law; the deliberations of

the Board are not open to the public. For the purposes of deliberations of the Board, the term “public” does not include employees of the PSRB.

(2) Administrative reviews consist of deliberations only and are therefore not open to the public.

Stat. Auth.: ORS 161.387, 192.690 & 2013 OL Ch. 715 (SB 421)

Stats. Implemented: ORS 161.387, 192.690 & 2013 OL Ch. 715 (SB 421)

Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0045

Records

(1) A record shall be kept of all hearings conducted by the Board related to extremely dangerous persons with mental illness under its jurisdiction. The Board shall ensure that the record developed at the hearing shows a full and fair inquiry into the facts necessary for consideration of all issues properly before the Board.

(2) All PSRB hearings, except Panel deliberations, shall be recorded by manual and/or electronic means which can be transcribed. No other record of Panel hearings shall be made. All documents considered at hearings shall be included as exhibits and kept as part of the record. Any material to which an objection is sustained shall not be considered by the Panel. All objections, motions and rulings shall be noted on the record.

(3) Electronic recordings capable of being transcribed shall be kept by the Board for a minimum period of five years from the hearing date. Recordings shall be transcribed from the recording when an appeal is filed unless the Appeals Court authorizes submission of the hearing recording in lieu of a transcript. Once transcribed, the transcript may be substituted for the original record.

(4) Upon request by a party or a party’s attorney, the copy of the electronic recording of the proceedings may be made available at a cost of \$5.00. The Board’s Executive Director may waive this fee on a case-by-case basis.

(5) Electronic recordings of a hearing, exhibits, or other documents or other information related to the civil commitment of extremely dangerous persons with mental illness are subject to applicable state and federal confidentiality protections, including but not limited to ORS 192.501 through ORS 192.505.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0050

Purpose of Hearings

The Board conducts hearings for persons committed to its jurisdiction. For the Board to have jurisdiction over those persons, the Board must determine if jurisdictional criteria (see OAR 859-200-0030) exist. If, at the time of the hearing, the jurisdictional criteria are not proven by a preponderance of the evidence, the person must be discharged. If jurisdictional criteria exist at the time of the hearing, the Board then makes a determination about appropriate residential placement of the person based on the record as a whole.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0055

Notice of Hearings; Administrative Reviews

Written notice shall be given to the following persons or entities within a reasonable time prior to any hearing:

(1) The person;

(2) The person’s attorney, if represented;

(3) The office of the district attorney of the committing county, or its designee;

(4) The community mental health provider or PSRB case manager, if the person is on conditional release or being proposed for conditional release;

(5) The victim, if the court or Board finds the victim requests notification;

(6) Hospital staff, if the person resides at an Oregon Health Authority hospital;

(7) The county mental health agency in the county where the person resides if the person is on conditional release; and

(8) The office of the district attorney of the county in which the person resides.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

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859-200-0060

Notification of state representation other than the District Attorney from the county of commitment

The Board presumes that the district attorney from the county of commitment will represent the State at all PSRB hearings. If another representative or agency is appointed or designated by the district attorney, such as an Assistant Attorney General or the district attorney in the county of current residence, the district attorney of the county of commitment shall notify the Board within 7 days of that appointment.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0065

Information Contained in Notice of Hearing

Written notice shall contain the following:

(1) The nature of the hearing and possible outcomes;

(2) The right to appear at the hearing and present evidence;

(3) The right to be represented by legal counsel and, if the person is without funds to retain legal counsel, the right to have the court appoint legal counsel;

(4) The right to subpoena witnesses

(5) The right to cross-examine witnesses who appear at the hearing; and

(6) The right to examine all reports, documents and information that the board considers, including the right to examine the reports, documents and information prior to the hearing if available.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0070

Types of Hearings

(1) Initial 6-Month Hearings

(a) The Board shall hold a hearing within six months of a court ordering the civil commitment of an extremely dangerous person with mental illness.

(b) The Board shall make a finding on the issue of whether or not the person meets jurisdictional criteria. If jurisdiction is not found, the person will be discharged. If jurisdiction is found, the Board shall consider whether the person should remain at the hospital, whether the person is appropriate for conditional release, or if a community evaluation should be ordered.

(2) Revocation Hearings.

(a) A revocation hearing will be held within thirty days of a person's return to the state hospital as a result of a PSRB Order of Revocation.

(b) At a revocation hearing the Board shall consider whether the revocation was appropriate and decide whether the person can be continued on conditional release or should be committed to the state hospital. The Board may also consider a request for evaluation at a revocation hearing.

(3) Hospital Request for Conditional Release Hearings. At any time while an extremely dangerous person with mental illness is committed to the state hospital, the hospital may apply to the Board for conditional release if it is the hospital's opinion that the person continues to be affected by a mental disorder that is resistant to treatment that makes the person extremely dangerous but that the person can be controlled in the community with proper care, medication, supervision and treatment. The hospital request for the person's discharge should be accompanied by a hospital report prepared by a member of the person's treatment team setting forth the facts supporting the request, and a verified conditional release plan.

(4) Hospital Request for Discharge Hearings. At any time while an extremely dangerous person with mental illness is committed to the state hospital, the hospital may apply to the Board for the person's discharge if it is the hospital's position that the person no longer meets jurisdictional criteria. The hospital request for the person's discharge should be accompanied by a report setting forth the facts supporting the request.

(5) Outpatient Supervisor Request for Conditional Release Modification Hearings/Administrative Review

(a) At any time during the person's conditional release, a PSRB case manager may request a status hearing to amend or modify the person's conditions of release. The request for the hearing should be accompanied by a proposed Summary of Conditional Release Plan that reflects the requested modifications.

(b) Modifications to a person's conditional release plan includes: adding conditions to the plan, removing conditions from the plan, and changing existing conditions in the plan.

(c) If there is no objection to the case manager's requested modifications, such requests for modifications may be handled by administrative review.

(d) At any time, if either the person or the State objects to requested conditional release plan modifications, the person or the State may request a full hearing regarding the requested modifications rather than having the modifications considered at an administrative review.

(6) PSRB Case Manager Request for Discharge Hearings. At any time during the person's conditional release, the PSRB case manager may request a hearing for discharge if the treating physician or certified mental health examiner believes the person no longer suffers from a mental disorder that is resistant to treatment or is no longer extremely dangerous. The request for discharge of the person from the Board's jurisdiction should be accompanied by a report setting forth the facts and evidence upon which the request is based.

(7) Certification Hearings

(a) The Board will hold a hearing on the status of an extremely dangerous person with mental illness within 60 days prior to the end of the 24-month commitment period in order to determine whether the Board will certify the person for recommitment.

(b) If the 24-month period of commitment expires and the Board does not certify the person for recommitment, the person must be discharged from the Board's jurisdiction.

(c) In order to certify a person for recommitment, the Board must determine that:

(A) The person still suffers from a mental disorder that is resistant to treatment; and

(B) The person is still extremely dangerous.

(d) The Board's notice of certification for recommitment must be served on the superintendent of the state hospital or director of the state or local health facility providing treatment to the person, who will provide the certification notice to the person.

(e) If the person protests further commitment within 14 days of service of the notice certification, then the recommitment court shall hold a hearing.

(f) If the person does not protest further commitment within 14 days of service of the certification, the Board shall notify the recommitment court so that an order for continued commitment may be issued.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0075

Chairperson Conducting Hearing

During all hearings of the Board, the chairperson or acting chairperson shall preside. The chairperson shall designate the order of presentation and questioning. The chairperson shall also determine the scope of questioning and may set time limits and cut off irrelevant questions and irrelevant or nonresponsive answers.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0080

Person's Right to Review Record; Exceptions

Persons shall receive written notice of the hearing and directly, or through their attorney, a statement of their rights in accordance with SB 421. All exhibits to be considered by the Board shall be disclosed to the person's attorney or the person, if proceeding pro se, as soon as they are available:

(1) Exhibits not available prior to the hearing shall be made available to the person's attorney or the person, if not represented, at the hearing.

(2) All material relevant and pertinent to the person and issues before the Board shall be made a part of the record.

(3) Any material not made part of the record shall be separated and a statement to that effect shall be placed in the record.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0085

Evidence Considered; Admissibility

The Board shall consider all evidence available to it which is material, relevant and reliable. All evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible, including, but not limited to, the following:

(1) The record of civil commitment;

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- (2) Information supplied by the state's attorney or any interested party, including the person. This may include police reports;
 - (3) Information concerning the person's mental condition;
 - (4) The entire psychiatric and criminal history of the person, including motor vehicle records;
 - (5) Psychiatric or psychological reports; or
 - (6) Testimony of witnesses.
- Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0090

Motion Practice

(1) Prehearing motion practice. Any party bringing a motion before the Board shall submit the motion and memorandum of law to the Board and the opposing party 14 days prior to the hearing date in which the motion will be heard.

(2) During a Board hearing, either party may bring forth a motion to be ruled upon by the Board chairperson or his/her designee.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0095

Objections to Evidence

The chairperson or acting chairperson shall rule on questions of evidence. Hearsay evidence shall not be excluded unless the chairperson or acting chairperson determines the evidence is not material, relevant or reliable.

(1) In determining whether the evidence is material, relevant or reliable, the Board shall consider the following:

- (a) The age and source of the documents;
- (b) The ability of the witness to have observed and had personal knowledge of the incidents;
- (c) The credibility of the witness and whether the witness has bias or interest in the matter.

(2) The person, the person's attorney or attorney representing the State may object to any evidence. The Board may decide the following:

- (a) To sustain the objection and deny the admission and consideration of the evidence on the grounds that it is not material, relevant or reliable;
 - (b) To overrule the objection and admit the evidence and in considering the weight given to that evidence, consider the reason for the objection;
- or

(c) To grant a continuance for a reasonable period of time to allow a witness to appear or be subpoenaed to testify about the evidence under consideration.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0100

Testimony Given under Oath

The Board shall take testimony of a witness upon oath or affirmation of the witness administered by the chairperson or acting chairperson at the hearing. Victims who wish to give a victim impact statement at a hearing do not need to be sworn in.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0105

Standards and Burdens of Proof

(1) The standard of proof on all issues at all hearings of the Board under Division 200 shall be preponderance of the evidence.

(2) The State always has the burden of proof for all PSRB hearings and the State has the burden of going forward with the evidence.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0110

Continuance of Hearing

Upon the request of any party or on its own motion, the Board may, for good cause, continue a hearing for a reasonable period of time. When either party requests a continuance, it shall be in writing. The request should also include the other party's position on the request for continuance.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0115

Waiver of Appearance at Hearings

(1) A person may waive appearance at an initial hearing or certification hearing. The Board will still hold the hearing in the person's absence.

(2) A person may not waive appearance at a conditional release hearing. If a person refuses to attend a conditional release hearing, the Board will cancel the hearing and will not consider the conditional release.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0120

Use of Restraints

(1) The Board prefers to have patients appear at hearings without physical restraints. If, in the judgment of the person's physician, the patient might need restraining, the Board prefers to have staff attending the hearing with the patient rather than use of physical restraints. However, the final decision on use of restraints lies with the physician.

(2) Any attorney objecting to the patient appearing with restraints at the hearing may raise the issue and ask for testimony from the physician regarding the necessity for use of restraints.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0125

Quorum; Decisions; Board Member Conflicts

For any Board hearing:

(1) Three concurring votes (affirmative or negative) are required to make a Board decision.

(2) When three members cannot agree on the decision, the hearing may be continued for a reasonable time and the recording of the hearing and the exhibits shall be reviewed by the remaining member(s) and a decision by the majority of the members shall be the finding and order of the Board.

(3) If the attorney for the person objects to the remaining member's or members' review as set forth in section (2) of this rule, the Board may reschedule the matter for a hearing before the entire Board.

(4) If an objection for good cause is made to a specific member of the Board sitting on the panel considering a specific case, that member shall withdraw and, if necessary, the hearing shall be postponed and rescheduled.

(5) If an objection for good cause is made to a specific staff member of the Board being present during the panel's deliberations in a specific case, and if the Board determines that good cause exists, that staff member shall not be present during deliberations in that case. The Board may, on its own motion, identify a Board member conflict with a case and exclude the Board member from considering any matter related to that case.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0130

Orders of the Board

(1) The Board shall provide a copy of any Board order to those persons listed in OAR 859-200-0055 within 30 days of the conclusion of the hearing or administrative review;

(2) The order of the Board shall be signed by a member of the panel present at the hearing or administrative review;

(3) At full hearings, the Board may issue its decision orally on the record at the hearing;

(4) At full hearings, the formal order of the Board shall contain the findings of fact, conclusions of law, reasons for the decision and notice of the right to appeal under ORS 426.135;

(5) All state, county and local mental health facilities providing treatment to the persons shall comply with Board orders.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0135

Notification of Right to Appeal

At the conclusion of a Board hearing, the chairperson or acting chairperson shall provide the person and attorney with written notification advising of the right to appeal on an adverse decision within 60 days from the date an order is signed.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

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859-200-0140

Patient Appearing Pro Se

(1) When a patient waives the right to be represented by an attorney, the Board may approve an individual's appearance, pro se, after a record is established that the person is competent to represent himself/herself pro se.

(2) If the Board chair determines the person is not competent, the Board chair or his/her designee shall appoint an attorney to represent the person.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0145

Examination of Person

(1) The Board may appoint a psychiatrist or licensed psychologist to examine the person and submit a report to the Board, including an opinion about whether the person continues to meet jurisdictional criteria and whether the person could be adequately controlled on conditional release with proper care, medication, supervision and treatment. The Board may order the person placed in temporary custody of any state hospital or suitable facility for purposes of examination.

(2) The attorney representing the state may choose, at the state's expense, a psychiatrist or psychologist to examine a person regarding the commitment proceedings.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0150

Victims

(1) The Board shall make reasonable efforts to notify victims identified in the commitment order of any of the following regarding the extremely dangerous person with mental illness:

- (a) Any order;
- (b) Hearings;
- (b) Conditional release;
- (c) Discharge; and
- (d) Escape or absconson of the extremely dangerous person with mental illness from a conditional release facility.

(2) Victims may request to be added to the notification list and provide updated contact information at any time by emailing PSRB staff: psrb@psrb.org. Staff will notify a victim of a person's escape or absconson by telephone or email if requested by the victim.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0200

Court Conditional Release

(1) If a court orders the conditional release of a person it is called a court conditional release.

(2) The Board may review a Court Conditional Release Order at an administrative review. The possible results of the hearing are as follows:

(a) The Board may issue an order continuing the Court Order of Conditional Release;

(b) The Board may issue a modification of the Court Order of Conditional Release when, upon review, elements of the plan have changed, have not been set out in sufficient detail or additional conditions are needed;

(c) The Board may issue an Order of Revocation in accordance with provisions set forth in the revocation rules subsequent hereto; or

(d) The Board may order the person to appear at a full hearing.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0205

Board Order for Evaluation for Conditional Release

(1) All community evaluations must be approved by the Board.

(2) At any time the state hospital may request a community evaluation for community placement of the person. Prior to any such request, hospital staff shall consult with the Board's Executive Director to discuss current bed vacancies. Unlike other civil commitments, the community mental health agency of the commitment county does not identify and approve conditional release placements. All community placements are approved by the Board and its Executive Director.

(3) The request for community placement should identify the community provider and should be accompanied by an updated VRA (Violence Risk Assessment), START (Short Term Assessment of Risk and

Treatability), ISURF (Interdisciplinary Substance Use Review Form), Risk Review Hearing report that addresses conditional release planning privileges and an updated M.D. Progress Note Update.

(4) If a person is already on conditional release, the PSRB case manager may request that another community provider evaluate the person for possible transfer.

(3) The Board may then consider the request and issue an Order of Evaluation at an administrative review.

(4) Once the Order for Evaluation is signed, PSRB staff will send an exhibit file to the community provider conducting the evaluation; and

(5) The community evaluation report shall be completed within 30 days of the community evaluation interview; and

(6) The community evaluation shall be completed and submitted to the Board within 45 days of receipt of the signed Order for Evaluation.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0210

Responsibility to Prepare a Summary of Conditional Release Plan

(1) When the hospital determines that a person may be ready for conditional release, the hospital staff and the community provider will jointly prepare the conditional release plan and submit it to the Board.

(2) When a person is already on conditional release and there is a request to transfer the person, the receiving PSRB case manager shall prepare and submit the conditional release plan.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0215

Basis for a Finding of Conditional Release

(1) In determining whether an Order of Conditional Release is appropriate, the Board shall have as its goals the protection of the public, the best interests of justice, and the welfare of the individual. The Board may consider the testimony and exhibits at the hearing regarding the person's behavior in the hospital including the person's progress, insight and responsibility taken for the person's own behavior.

(2) If the Board finds the person may be controlled in the community and a verified conditional release plan is approved by the Board, the Board may order the person placed on conditional release.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0220

Elements of the Conditional Release Order

The Board shall consider any or all of the following elements of a conditional release plan and determine which are appropriate and necessary to ensure the safety of the public:

(1) Housing: Housing must be available for the person. The Board may require any type of housing it deems appropriate.

(2) Mental health treatment: Mental health treatment must be available in the community. The Board-approved provider of the treatment must have had an opportunity to evaluate the patient and the proposed conditional release plan and to be heard before the Board. The provider must have agreed to provide the necessary mental health treatment to the patient. The treatment may include: individual counseling, group counseling, home visits, prescription of medication or any other treatment recommended by the provider(s) and approved by the Board.

(3) Reporting responsibility (PSRB Case Manager): An individual must be available to be designated by the Board as having primary reporting responsibility and must have agreed to:

(a) Notify the Board in writing of the patient's progress at least once a month;

(b) Notify the Board promptly of any grounds for revocation;

(c) Notify the Board promptly of any significant changes in the implementation of the conditional release plan;

(d) Coordinate and monitor all elements of the conditional release plan.

(4) Special conditions: Special conditions may be imposed upon recommendation by the individual having primary reporting responsibility and/or recommendation by the parties.

(5) Agreement to conditional release: The person shall agree to and sign a form promising to comply with the general conditions of release. This signed form shall be made a part of the conditional release plan.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)
Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

ADMINISTRATIVE RULES

859-200-0225

Modification or Termination of Conditional Release

(1) Modification or termination of an Order of Conditional Release may be proposed by the state hospital or state or local facility providing treatment to the person, PSRB case manager or his/her designee, a party, or by the Board on its own motion upon a review of the status of the person.

(2) Modifications that add conditions to the current Board order can be made by the PSRB case manager, if necessary, to adequately treat and control the person. The Board shall be notified of modifications that add conditions to the current Board order within one business day of those conditions being imposed on the person so that a modification order can be issued.

(3) The case manager or supervising person does not have the authority to lessen the conditions of release without Board approval.

(4) The individual designated as having primary reporting responsibility shall provide the Board with a written summary of the person's progress, recommendations on future action to be taken and, if possible, shall be present to testify on these issues at a Board full hearing.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0230

Conditional Release Evaluation and Reports

All reports and evaluations received on the person's fitness for conditional release, modification of conditional release or termination, and monthly progress shall be made a part of the record in the hearing.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0235

Monthly Reporting

The person designated by the Board as having primary reporting responsibility shall submit monthly progress reports no later than the 10th day of the month for the previous month's progress. These reports shall be submitted on the form provided by and prepared by Board staff.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0300

Reasonable Grounds for Revocation

If at any time while a person is conditionally released it appears that hospitalization is required, the Board may order the person returned to the state hospital for evaluation or treatment. The Board will explore all available treatment and supervision options in the community prior to ordering revocation. Reasonable grounds for revocation of a conditional release include:

(1) The person has violated terms of the conditional release plan or is noncompliant with the conditional release plan;

(2) The person's mental health has changed and the person can no longer be managed in the community setting;

(3) The person has absconded from jurisdiction or placement; or

(4) The community resources required by the Conditional Release Order are no longer available.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0305

Order of Revocation; Emergency Order of Revocation; After Hours Revocation Process

(1) Upon the recommendation of the staff of the Psychiatric Security Review Board and receipt of an affidavit recommending revocation based on noncompliance with an order of the Board or a change in the person's conditions of release or mental status, a Board member may order the person returned to a state hospital for evaluation and treatment through an Order of Revocation.

(2) When a Board member is not available and time is of the essence, the executive director of the Psychiatric Security Review Board may issue and execute an emergency Order of Revocation subject to review by a Board member within 72 hours of the execution of the signed order.

(3) If the Board is unavailable to consider a revocation request, the community mental health program director, the director of the facility providing treatment to a person on conditional release, any peace officer, or any individual responsible for the supervision of the person on conditional release may take or request that a person on conditional release be taken into custody if there is reasonable cause to believe the person is an extreme-

ly dangerous person with mental illness and presents a serious danger to others because of a mental disorder that is resistant to treatment and the person is in need of immediate care, custody or treatment. The person shall be transferred to the state hospital.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

859-200-0310

Procedure for Transporting a Revoked Person

(1) After an Order of Revocation has been signed by a Board member or the Board Executive Director, the written order is sufficient warrant for any law enforcement officer to take the person into custody and transport the person as directed by the order. The written order is not required to be provided to the law enforcement officer taking the person into custody. In the alternative, a LEDS communication by Board staff is sufficient warrant for a law enforcement officer to return the person to the state hospital. The person shall be returned to the state hospital as soon as practicable.

(2) A sheriff, municipal police officer, constable, parole or probation officer, prison official or other peace officer shall execute the order.

Stat. Auth.: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Stats. Implemented: ORS 161.387(1) & 2013 OL Ch. 715 (SB 421)

Hist.: PSRB 1-2014, f. & cert. ef. 3-5-14

Public Utility Commission Chapter 860

Rule Caption: In the Matter of a Rulemaking to Update Certain Division 038 Rules.

Adm. Order No.: PUC 3-2014

Filed with Sec. of State: 3-7-2014

Certified to be Effective: 3-7-14

Notice Publication Date: 11-1-2013

Rules Amended: 860-038-0005, 860-038-0300

Subject: The changes update the definitions and labeling requirements for the Portfolio Options Program.

Rules Coordinator: Diane Davis—(503) 378-4372

860-038-0005

Definitions for Direct Access Regulation

As used in this Division:

(1) "Above-market costs of new renewable energy resources" means the portion of the net present value cost of producing power (including fixed and operating costs, delivery, overhead, and profit) from a new renewable energy resource that exceeds the market value of an equivalent quantity and distribution (across peak and off-peak periods and seasonality) of power from a nondifferentiated source, with the same term of contract.

(2) "Portfolio Options Committee" means a group appointed by the Commission, consisting of representatives from Commission Staff, the Oregon Department of Energy, and the following:

(a) Local governments;

(b) Electric companies;

(c) Residential consumers;

(d) Public or regional interest groups; and

(e) Small nonresidential consumers.

(3) "Affiliate" means a corporation or person who has an affiliated interest, as defined in ORS 757.015, with a public utility.

(4) "Aggregate" means combining retail electricity consumers into a buying group for the purchase of electricity and related services. "Aggregator" means an entity that aggregates.

(5) "Ancillary services" means those services necessary or incidental to the transmission and delivery of electricity from resources to retail electricity consumers, including but not limited to scheduling, frequency regulation, load shaping, load following, spinning reserves, supplemental reserves, reactive power, voltage control and energy balancing services.

(6) "Commission" means the Public Utility Commission of Oregon.

(7) "Common costs" means costs that cannot be directly assigned to a particular function.

(8) "Competitive operations" means any electric company's activities involving the sale or marketing of electricity services or directly related products in an Oregon retail market. Competitive operations include, but are not limited to, the following:

(a) Energy efficiency audits and programs;

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(b) Sales, installation, management, and maintenance of electrical equipment that is used to provide generation, transmission, and distribution related services or enhances the reliability of such services; and

(c) Energy management services, including those services related to electricity metering and billing. Services or products provided by the electric company as part of its electric service to its non-direct access customers within its allocated service territory, or transmission and distribution services to its direct access customers are not competitive operations.

(9) "Constructing and operating," as used in ORS 757.612(3)(b)(B), means constructing, or operating, or both.

(a) As used in ORS 757.612(3)(b)(B), "constructing" includes the following activities:

(A) Pre-development project studies, activities or costs that are related to the planned development of a new renewable energy resource that a developer or owner would reasonably expect to incur; and

(B) Activities or costs directly related to the building of a new renewable energy resource.

(b) As used in ORS 757.612(3)(b)(B), "operating" includes the activities and costs necessary for a new renewable energy resource to function and to be maintained in good working order.

(10) "Consumer-owned utility" means a municipal electric utility, a people's utility district, or an electric cooperative.

(11) "Cost-of-service consumer" means a retail electricity consumer who is eligible for a cost-of-service rate under ORS 757.603.

(12) "Default supplier" means an electric company that has a legal obligation to provide electricity services to a consumer, as determined by the Commission.

(13) "Direct access" means the ability of a retail electricity consumer to purchase electricity and certain ancillary services directly from an entity other than the distribution utility.

(14) "Direct service industrial consumer" means an end-user of electricity that obtains electricity directly from the transmission grid and not through a distribution utility.

(15) "Distribution" means the delivery of electricity to retail electricity consumers through a distribution system consisting of local area power poles, transformers, conductors, meters, substations and other equipment.

(16) "Distribution utility" means an electric utility that owns and operates a distribution system connecting the transmission grid to the retail electricity consumer.

(17) "Divestiture" means the sale of all or a portion of an electric company's ownership share of a generation asset to a third party.

(18) "Economic utility investment" means all Oregon allocated investments made by an electric company that offers direct access under ORS 757.600 to 757.667, including plants and equipment and contractual or other legal obligations, properly dedicated to generation or conservation, that were prudent at the time the obligations were assumed but the full benefits of which are no longer available to consumers as a direct result of 757.600 to 757.667, absent transition credits. "Economic utility investment" does not include costs or expenses disallowed by the Commission in a prudence review or other proceeding, to the extent of such disallowance, and does not include fines or penalties authorized and imposed under state or federal law.

(19) "Electric company" means an entity engaged in the business of distributing electricity to retail electricity consumers in this state but does not include a consumer-owned utility.

(20) "Electric company operational information" means information obtained by an electric company as part of its provision of services or products, as long as such products or services are not defined as "competitive operations." Such information includes, but is not limited to, data relating to the interconnection of customers to an electric company's transmission or distribution systems; trade secrets; competitive information relating to internal processes; market analysis reports; market forecasts; and information about an electric company's transmission or distribution system, processes, operations, or plans or strategies for expansion.

(21) "Electric cooperative" means an electric cooperative corporation organized under ORS Chapter 62 or under the laws of another state if the service territory of the electric cooperative includes a portion of this state.

(22) "Electric utility" means an electric company or consumer-owned utility that is engaged in the business of distributing electricity to retail electricity consumers in this state.

(23) "Electricity" means electric energy, measured in kilowatt-hours, or electric capacity, measured in kilowatts, or both.

(24) "Electricity services" means electricity distribution, transmission, generation, or generation-related services.

(25) "Electricity service supplier" or "ESS" means a person or entity that offers to sell electricity services available pursuant to direct access to more than one retail electricity consumer. "Electricity service supplier" does not include an electric utility selling electricity to retail electricity consumers in its own service territory. An ESS can also be an aggregator.

(26) "Emergency default service" means a service option provided by an electric company to a nonresidential consumer that requires less than five business days' notice by the consumer or its electricity service supplier.

(27) "Fully distributed cost" means the cost of an electric company good or service calculated in accordance with the procedures set forth in OAR 860-038-0200.

(28) "Functional separation" means separating the costs of the electric company's business functions and recording the results within its accounting records, including allocation of common costs.

(29) "Joint marketing" means the offering (including marketing, promotion, or advertising) of retail electric services by an electric company in conjunction with its competitive operation to consumers either through contact initiated by the electric company, its Oregon affiliate, or through contact initiated by the consumer.

(30) "Large nonresidential consumer" means a nonresidential consumer whose kW demand at any point of delivery is greater than 30 kW during any two months within a prior 13-month period.

(31) "Load" means the amount of electricity delivered to or required by a retail electricity consumer at a specific point of delivery.

(32) "Local energy conservation" means conservation measures, projects, or programs that are installed or implemented within the service territory of an electric company.

(33) "Low-income weatherization" means repairs, weatherization, and installation of energy efficient appliances and fixtures for low-income residences for the purpose of enhancing energy efficiency.

(34) "Market transformation" means a lasting structural or behavioral change in the marketplace that increases the adoption of energy efficient technologies and practices.

(35) "Multi-state electric company" means an electric company that provided regulated retail electric service in a state in addition to Oregon prior to January 1, 2000.

(36) "Municipal electric utility" means an electric distribution utility owned and operated by or on behalf of a city.

(37) "New" as it refers to energy conservation, market transformation, and low-income weatherization means measures, projects or programs that are installed or implemented after the date direct access is offered by an electric company.

(38) "New renewable energy resource," as used in ORS 757.612(3)(b)(B), has the meaning provided in 757.600(21) and references a specifically identified project that has, or is planned to have after construction, a nominal electric generating capacity, as defined in 469.300, of 20 megawatts or less.

(39) "Non-energy attributes" means the environmental, economic, and social benefits of generation from renewable energy facilities. These attributes are normally transacted in the form of Tradable Renewable Certificates.

(40) "Nonresidential consumer" means a retail electricity consumer who is not a residential consumer.

(41) "Ongoing valuation" means the process of determining transition costs or benefits for a generation asset by comparing the value of the asset output at projected market prices for a defined period to an estimate of the revenue requirement of the asset for the same time period.

(42) "One-time administrative valuation" means the process of determining the market value of a generation asset over the life of the asset, or a period as established by the Commission, using a process other than divestiture.

(43) "One average megawatt" means 8,760,000 kilowatt-hours (8,784,000 in a leap year) of electricity per twelve consecutive month period.

(44) "Oregon affiliate" means an affiliate engaged in the sale or marketing of electricity services or directly related products in an Oregon retail market.

(45) "Oregon share" means, for a multi-state electric company, an interstate allocation based upon a fixed allocation or method of allocation established in a Resource Plan or, in the case of an electric company that is not a multi-state electric company, 100 percent.

(46) "People's utility district" has the meaning given that term in ORS 261.010.

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(47) "Portfolio" means a set of product and pricing options for electricity.

(48) "Proprietary consumer information" means any information compiled by an electric company on a consumer in the normal course of providing electric service that makes possible the identification of any individual consumer by matching such information with the consumer's name, address, account number, type or classification of service, historical electricity usage, expected patterns of use, types of facilities used in providing service, individual contract terms and conditions, price, current charges, billing records, or any other information that the consumer has expressly requested not be disclosed. Information that is redacted or organized in such a way as to make it impossible to identify the consumer to whom the information relates does not constitute proprietary consumer information.

(49) "Qualifying expenditures" means those expenditures for energy conservation measures that have a simple payback period of not less than one year and not more than 10 years and expenditures for the above-market costs of new renewable energy resources, provided that the Oregon Department of Energy may establish by rule a limit on the maximum above-market cost for renewable energy that is allowed as a credit.

(50) "Registered dispute" means an unresolved issue affecting a retail electricity consumer, an ESS, or an electric company that is under investigation by the Commission's Consumer Services Section but is not the subject of a formal complaint.

(51) "Regulated charges" means charges for services subject to the jurisdiction of the Commission.

(52) "Regulatory assets" means assets that result from rate actions of regulatory agencies.

(53) "Renewable energy resources" means:

(a) Electricity-generation facilities fueled by wind, waste, solar or geothermal power, or by low-emission nontoxic biomass based on solid organic fuels from wood, forest, and field residues;

(b) Dedicated energy crops available on a renewable basis;

(c) Landfill gas and digester gas; and

(d) Hydroelectric facilities located outside protected areas as defined by federal law in effect on July 23, 1999.

(54) "Residential consumer" means a retail electricity consumer that resides at a dwelling primarily used for residential purposes. "Residential consumer" does not include retail electricity consumers in a dwelling typically used for residency periods of less than 30 days, including hotels, motels, camps, lodges, and clubs. As used in this section, "dwelling" includes but is not limited to single-family dwellings, separately metered apartments, adult foster homes, manufactured dwellings, recreational vehicles, and floating homes.

(55) "Retail electricity consumer" means the end user of electricity for specific purposes such as heating, lighting, or operating equipment and includes all end users of electricity served through the distribution system of an electric utility on or after July 23, 1999, whether or not each end user purchases the electricity from the electric utility. For purposes of this definition, a new retail electricity consumer means a retail electricity consumer that is unaffiliated with the retail electricity consumer previously served after March 1, 2002, at the site.

(56) "Self-directing consumer" means a retail electricity consumer that has used more than one average megawatt of electricity at any one site in the prior calendar year or an aluminum plant that averages more than 100 average megawatts of electricity use in the prior calendar year, that has received final certification from the Oregon Department of Energy for expenditures for new energy conservation or new renewable energy resources and that has notified the electric company that it will pay the public purpose charge, net of credits, directly to the electric company in accordance with the terms of the electric company's tariff regarding public purpose credits.

(57) "Serious injury to person" has the meaning given in OAR 860-024-0050.

(58) "Serious injury to property" has the meaning given in OAR 860-024-0050.

(59) "Site" means:

(a) Buildings and related structures that are interconnected by facilities owned by a single retail electricity consumer and that are served through a single electric meter; or

(b) A single contiguous area of land containing buildings or other structures that are separated by not more than 1,000 feet, such that:

(A) Each building or structure included in the site is no more than 1,000 feet from at least one other building or structure in the site;

(B) Buildings and structures in the site, and land containing and connecting buildings and structures in the site, are owned by a single retail

electricity consumer who is billed for electricity use at the buildings and structures; and

(C) Land shall be considered to be contiguous even if there is an intervening public or railroad right of way, provided that rights of way land on which municipal infrastructure facilities exist (such as street lighting, sewerage transmission, and roadway controls) shall not be considered contiguous.

(60) "Small nonresidential consumer" means a nonresidential consumer that is not a large nonresidential consumer.

(61) "Special contract" means a rate agreement that is justified primarily by price competition or service alternatives available to a retail electricity consumer, as authorized by the Commission under ORS 757.230.

(62) "Structural separation" means separating the electric company's assets by transferring assets to an affiliated interest of the electric company.

(63) "Total transition amount" means the sum of an electric company's transition costs and transition benefits.

(64) "Traditional allocation methods" means, in respect to a multi-state electric company, inter-jurisdictional cost and revenue allocation methods relied upon in such electric company's last Oregon rate proceeding completed prior to December 31, 2000.

(65) "Transition benefits" means the value of the below-market costs of an economic utility investment.

(66) "Transition charge" means a charge or fee that recovers all or a portion of an uneconomic utility investment.

(67) "Transition costs" means the value of the above-market costs of an uneconomic utility investment.

(68) "Transition credit" means a credit that returns to consumers all or a portion of the benefits from an economic utility investment.

(69) "Transmission grid" means the interconnected electrical system that transmits energy from generating sources to distribution systems and direct service industries.

(70) "Unbundling" means the process of assigning and allocating a utility's costs into functional categories.

(71) "Uneconomic utility investment" means all Oregon allocated investments made by an electric company that offers direct access under ORS 757.600 to 757.667, including plants and equipment and contractual or other legal obligations, properly dedicated to generation, conservation and work-force commitments, that were prudent at the time the obligations were assumed but the full costs of which are no longer recoverable as a direct result of 757.600 to 757.667, absent transition charges. "Uneconomic utility investment" does not include costs or expenses disallowed by the Commission in a prudence review or other proceeding, to the extent of such disallowance and does not include fines or penalties as authorized by state or federal law.

(72) "Unspecified Market Purchase Mix" means the mix of all power generation within the state or other region less all specific purchases from generation facilities in the state or region, as determined by the Oregon Department of Energy.

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.040 & 757.600 - 757.667

Hist.: PUC 17-2000, f. & cert. ef. 9-29-00; PUC 2-2001, f. & cert. ef. 1-5-01; PUC 2001(Temp), f. & cert. ef. 9-11-01 thru 3-10-02; PUC 23-2001, f. & cert. ef. 10-1-01; PUC 5-2002, f. & cert. ef. 2-8-02; PUC 11-2002, f. & cert. ef. 3-8-02; PUC 18-2002, f. & cert. ef. 10-17-02; PUC 13-2004, f. & cert. ef. 8-31-04; PUC 7-2005, f. & cert. ef. 11-30-05; PUC 6-2006, f. & cert. ef. 5-11-06; PUC 13-2007, f. & cert. ef. 12-31-07; PUC 3-2014, f. & cert. ef. 3-7-14

860-038-0300

Electric Company and Electricity Service Suppliers Labeling Requirements

(1) The purpose of this rule is to establish requirements for electric companies and electricity service suppliers to provide price, power source, and environmental impact information necessary for consumers to exercise informed choice.

(2) For each service or product it offers, an electric company must provide price, power source, and environmental impact information to all residential consumers quarterly. The information must be based on the available service options. The information must be supplied consistent with the requirements prescribed by the Commission. The electric company must report price information for each service or product for residential consumers as the average monthly bill and price per kilowatt-hour for monthly usage levels of 250, 500, 1,000 and 2,000 kilowatt-hours for the available service options.

(3) An electric company and an electricity service supplier must provide price, power source and environmental impact information to nonresidential consumers consistent with the requirements and frequency pre-

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scribed by the Commission. An electric company and an electricity service supplier must report price information for nonresidential consumers as follows:

(a) The price and amount due for each service or product that a non-residential consumer is purchasing;

(b) The rates and amount of state and local taxes or fees, if any, imposed on the nonresidential consumer;

(c) The amount of any public purpose charge; and

(d) The amount of any transition charge or credit.

(4) For power supplied through its own generating resources, the electric company must report power source and environmental impact information based on the company's own generating resources, not the unspecified market purchase mix. An electric company's own resources include company-owned resources and wholesale purchases from specific generating units, less wholesale sales from specific generating units. An electric company's own resources do not include the non-energy attributes associated with purchases under the provisions of a net metering tariff or other power production tariff unless the electric company has separately contracted for the purchase of the Tradable Renewable Certificates. For net market purchases, the electric company must report power source and environmental impact information based on the unspecified market purchase mix. The electric company must report power source and environmental impact information for standard offer sales based on the unspecified market purchase mix.

(5) For purposes of power source and environmental impact reporting, an electric company and an electricity service supplier should use the most recent unspecified market purchase mix unless the electric company or electricity service supplier is able to demonstrate a different power source mix and environmental impact. A demonstration of a different mix must be based on projections of the mix to be supplied during the current calendar year. Power source must be reported as the percentages of the total product supply including the following:

(a) Coal;

(b) Hydroelectricity;

(c) Natural gas;

(d) Nuclear; and

(e) Other power sources including but not limited to new renewable resources, if over 1.5 percent of the total power source mix.

(6) Environmental impact must be reported for all retail electric consumers using the annual emission factors for the most recent available calendar year applied to the expected production level for each source of supply included in the electricity product. Environment impacts reported must include at least:

(a) Carbon dioxide, measured in lbs./kWh of CO2 emissions;

(b) Sulfur dioxide, measured in lbs./kWh of SO2 emissions;

(c) Nitrogen oxides, measured in lbs./kWh of NOx emissions; and

(d) Mercury, measured in lbs/kWh of Hg emission.

(7) Every bill to a direct access consumer must contain the electricity service supplier's and the electric company's toll-free number for inquiries and instructions as to those services and safety issues for which the consumer should directly contact the electric company.

(8) The electricity service supplier must provide price, power source, and environmental impact in all contracts and marketing information.

(9) The electric company must provide price, power source, and environmental impact in all standard offer marketing information.

(10) By September 1, each electric company and

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.040 & 757.600 - 757.667

Hist.: PUC 17-2000, f. & cert. ef. 9-29-00; PUC 7-2005, f. & cert. ef. 11-30-05; PUC 7-2009, f. & cert. ef. 6-25-09; PUC 3-2014, f. & cert. ef. 3-7-14

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**Secretary of State,
Archives Division
Chapter 166**

Rule Caption: Amends sections of the county and special district records retention schedule and adds a definition

Adm. Order No.: OSA 1-2014

Filed with Sec. of State: 2-25-2014

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Rules Amended: 166-005-0010, 166-150-0005, 166-150-0035, 166-150-0040, 166-150-0095, 166-150-0135, 166-150-0210

Subject: Amends the current records retention schedule for county and special district records to account for updates in the voting

process for County Clerk - Elections Records section and updates the vital records maintained by County Clerk - General Records section to account for the creation of registered domestic partnerships.

Amends Law Enforcement section to create consistent retention periods between the animal control records owned by the cities and those owned by the counties.

Corrects errors in the Administrative Records, District Attorney Records, and Treasurer/Controller Records sections, and adds the definition of "special district" to the definitions section.

Rules Coordinator: Julie Yamaka—(503) 378-5199

166-005-0010

Definitions for Divisions 5 through 475

As used in these rules, "photocopy", "political subdivision", "public record", "public writings", and "state agency" are defined by ORS 192. As used in these rules unless otherwise required by context:

(1) "Accession" means to take into physical custody a group of records or other materials and to formally document their receipt.

(2) "Agency" when used alone means either a state agency or a political subdivision.

(3) "Exempt records" are public records that do not need to be disclosed under ORS 192.410.

(4) "Excluded records" are records which are excluded from the definition of public records by ORS 192.005(5) or other state or federal laws or rules.

(5) "Hard Copy" means a printout of data stored in a computer.

(6) "Local agency" means any officer, department, board, commission or institution created by or under the jurisdiction of a political subdivision of this state.

(7) "Official copy" is that version of a public record that has been designated by the agency as the record of a transaction or event, and which is subject to the requirements of laws, rules and the records retention schedule authorized by the State Archivist.

(8) "Permanent" public records are those deemed worthy of permanent preservation by the State Archivist and the official copy of permanent records must be retained in paper or in microfilm.

(9) "Records Management" means the planning, controlling, directing, organizing, training, promoting and other managerial activities involving the life cycle of information, including creation, maintenance (use, storage, retrieval) and disposal, regardless of physical form. Records management procedures are used to achieve adequate and proper documentation of state policies and transactions and effective and economical management of agency and organizational operations.

(10) "Records Officer" refers to the person designated by a state agency or political subdivision in accordance with ORS 192.105(2)(a). Records Officers organize and coordinate the agency's Records Management Program. Records Officers also serve as their agency's primary liaison with the State Archivist and receive training from the State Archivist in performing their duties. Typical duties include planning, controlling, directing, organizing, training, promoting the program, and other activities involving the life cycle of information including records scheduling, retirement, storage and destruction.

(11) "Record series" is an itemized listing on a records retention schedule which identifies a single record or a group of records for purposes of retention and disposition.

(12) "Records Retention Schedule" means a document produced and approved by the State Archivist listing the length of time a record needs to be kept for administrative, legal, fiscal or historic purposes. For state agencies this time represents both the minimum and maximum length of time a record must be kept. A records retention schedule approved by the State Archivist is an agency's legal authorization to destroy public records. The State Archivist writes two types of records retention schedules. The first is a special schedule that is written for records unique to an agency, and the second is a general schedule representing those records that are common to most agencies.

(13) "Retention Period" means the length of time a public record must be retained as authorized by an applicable records retention schedule produced and approved by the State Archivist. Retention periods for state agency records are both a minimum and maximum retention meaning that the records must be destroyed when the retention has been met as long as there is no pending litigation and all audit requirements have been satisfied. Retention periods for local governments are required minimums only.

(14) "Security Copy Depository" is a storage and retrieval facility operated by the State Archivist for security copies of microfilm for state and local agencies. The depositing agency maintains custody of the records

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and all requests for access to the stored records are made through authorized persons of that agency.

(15) "Special District" is any unit of local government other than a city, county, state agency, board, commission, school, school district, educational service district, college, or university.

(16) "State Archivist" is the public employee who serves under the Secretary of State and who administers the Archives Division which operates the State Archives, the State Records Center and the Security Copy Depository (ORS 192 and 357).

(17) "State Records Center" is a storage and retrieval facility operated by the State Archivist for inactive records of state agencies. The depositing agency maintains custody of the records and all requests for access to the stored records are made through authorized persons of that agency.

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192 & 357

Hist.: OSA 5, f. 12-30-77, ef. 1-1-78; OSA 1-1986, f. & ef. 3-17-86; OSA 3-1988, f. & cert. ef. 10-20-88; OSA 3-1996, f. 4-9-96, cert. ef. 4-15-96; OSA 9-2009, f. & cert. ef. 10-15-09; OSA 1-2014, f. & cert. ef. 2-25-14

166-150-0005

Administrative Records

NOTE: Inclusion of a record series in this schedule does not require the series to be created. If a record is created electronically, it can be retained in electronic format only as long as the retention period is 99 years or less.

(1) Activity and Room Scheduling Records: Records documenting scheduling and reservations related to public participation and use of various agency activities, events, classes and facilities. Includes schedules, logs, lists, requests, and similar records. (Minimum retention: 1 year)

(2) Activity Reports, General: Daily, weekly, monthly, or similar reports documenting the activities of employees. Useful for compiling annual reports, planning and budgeting, monitoring work progress and other purposes. Usually tracks type of activity, employees and/or volunteers involved, time spent on activity, work completed, and related information in narrative or statistical form. (Minimum retention: 2 years)

(3) Advertising and Promotion Records (Non-State Fair): Series is used to prepare and produce promotional materials, and to document promotions, advertising campaigns, marketing initiatives and public relations efforts. Records may include event programs and schedules, passes, newsletters, news clippings, paste-ups, drawings, copies of ads, photographs, slides, videotapes, sound recordings, story scripts, posters, brochures, flyers, and correspondence. (Minimum retention: 2 years)

(4) Annual Reports: Reports documenting the program or primary functional activities and accomplishments of the office for the previous year. These are often compiled from monthly, quarterly, or other subsidiary activity reports. Usually includes statistics, narratives, graphs, diagrams, and similar information. (Minimum retention: Permanent)

(5) Audit Records, Internal: Records document the examination of the agency's fiscal condition, internal control, and compliance policies and procedures. Records may also document performance or other financially related audits by agency or contracted auditors. Records may include audit reports, supporting documentation, comments, and correspondence. (Minimum retention: 10 years)

(6) Calendars and Scheduling Records: Records document planning, scheduling, and similar actions related to meetings, appointments, trips, visits and other activities. Includes calendars, appointment books, notes, telephone messages, diaries, and similar records, regardless of format. Depending on content, some telephone messages and similar records may merit inclusion in related program or project files. This applies to records that contain significant information that is not summarized or otherwise included in reports or similar documents. *Calendar and Scheduling information recorded in a personal day planner or personal electronic device may be a public record under ORS Chapter 192.* (Minimum retention: 1 year)

(7) Citizen Awards: Awards presented by the agency to honor volunteers for civic contributions. May include award nominations, award certificates, presentation or ceremony records and photographs, lists of past recipients, and related records. Some records in this series may have historic value. For appraisal assistance contact the Oregon State Archives. (Minimum retention: 6 years)

(8) Communication Logs: Logs document communications made or received through a variety of electronic devices, including but not limited to telephone, smart phone, facsimile (fax), radio, computer-aided dispatch, pager, and teletype, AND are not otherwise specified in this general records retention schedule (OAR 166 Division 150). Logged information may include time, date and disposition of communication, name of caller, number called or received, and action taken. SEE ALSO Correspondence in this section. (Minimum retention: 1 year)

(9) Contracts, Leases, and Agreements*: Documents the duly executed and binding contractual agreements between the agency and other parties. May include contracts, exhibits, bid documents, change orders, proposals, and significant related correspondence. Types of contracts include purchase of equipment and supplies, interagency, personal service, capital construction (documenting building construction, alterations, or repair), grant funding, and others. Information in contracts usually includes contract number, certificate of required insurance, dates, terms, parties involved, period covered, and signatures. (Minimum retention: (a) Construction contract records: 10 years after substantial completion, as defined by ORS 12.135(3) (b) Collective bargaining contract records: Permanent (c) Other contracts, leases and agreements: 6 years after expiration) *Caution: Agencies who enter into contracts with the federal government must ensure that their contracts and agreements meet federal requirements specified in the Code of Federal Regulations.*

(10) Correspondence: Records that: 1. document communications created or received by an agency AND 2. directly relate to an agency program or agency administration AND 3. are not otherwise specified in the County and Special District General Records Retention Schedule (OAR 166-150) or in ORS 192.170. Records may include but are not limited to letters, memoranda, notes and electronic messages that communicate formal approvals, directions for action, and information about contracts, purchases, grants, personnel and particular projects or programs. (Disposition: File with the associated program or administrative records. Retentions for county and special district records are found in the County and Special District General Records Retention Schedule. Communications not meeting the above criteria do not need to be filed and may be retained as needed.)

(11) Fax Reports: Records document facsimile transactions of the agency. Reports may also be used for billing purposes. Information includes date and time fax transmitted or received and recipient/sender's fax number. (Minimum retention: (a) Retain if used for billing: 3 years (b) Retain all other reports: 1 year)

(12) Intergovernmental Agreements*: Agreements entered in-to by the agency with the state, school districts, service districts, cities, or other governmental units. Often refers to consolidating departments, jointly providing administrative officers, and sharing facilities or equipment. Major agreements usually set funding responsibilities, fee apportionment, duration of agreement, rights to terminate agreement, and transfers of property, personnel, and employment benefits. Also includes intergovernmental agreements for common services, equipment, maintenance, etc. (Minimum retention: (a) Significant and historic agreements: Permanent (b) Other agreements: 6 years after expiration)

(13) Key and Keycard Records*: Records document the issuance of keys and keycards to staff to enable access to buildings and sites. Records may include but are not limited to key inventories, key issue forms, key replacement records, and key disposal records. Minimum retention: (a) Retain access and entry logs 3 years (b) Retain other records 2 years after key is turned in)

(14) Legislative Tracking Records: Series used to monitor legislation that may have an impact on an agency's current operations or policies. Records include concept statements, proposals, bill logs, fiscal/organizational impact analysis papers, copies of bills, testimony summaries, committee reports, agendas, and correspondence. (Minimum retention: 2 years)

(15) Lobbyist Records: Records document lobbyist and lobbyist employer activities and are used to report to these activities to the Oregon Government Ethics Commission. Records may include but are not limited to expenditure reports, registration statements, termination records, guidelines, and correspondence. (Minimum retention: (a) Retain expenditure reports 4 years (b) Retain all other records 5 years after last activity)

(16) Mailing Lists: Lists compiled to facilitate billing, community outreach, and other functions of the agency. Information usually includes name of individual or group, address, name and title of contact person, phone number, comments, and similar data. (Minimum retention: Until superseded or obsolete)

(17) Meeting Records, Governing Body*: Records documenting the proceedings of any regularly scheduled, special, executive session, or emergency meeting of any governing body, as described in Oregon's Public Meetings Law (ORS 192.610 to 192.710), that is under agency jurisdiction. These typically consist of boards, commissions, advisory councils, task forces, and similar groups. Records may include minutes, agendas, exhibits, resolutions, staff reports, indexes, meeting packets, tape recordings, and related documentation and correspondence. SEE ALSO Meeting Records, Staff and Meeting Records, in this section and Board, Commission, and Committee in the County Court and Commissioners

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Records section. (Minimum retention: (a) Minutes, agendas, resolutions, indexes, and exhibits (not retained permanently elsewhere in county records): Permanent (b) Retain executive session minutes: 10 years (c) Audio or visual recordings: 1 year after minutes prepared and approved (d) Other records and exhibits not pertinent to minutes: 5 years)

(18) Meeting Records, Staff: Records documenting meetings within government which are not subject to Oregon's Public Meetings Law (ORS 192.610 to 192.710). These routine staff meetings deal with tasks and actions within existing policies and procedures. Records may include minutes, notes, reports, and related items. Some records may merit inclusion in other record series with longer retention periods if the subject matter of the meeting adds significant information to that series. (Minimum retention: 2 years)

(19) Mitigation Program Records*: Records document the establishment and maintenance of the agency mitigation programs, plans, and procedures. Records may include mitigation plans and strategies, policies, procedures, seismic surveys and structural upgrade records of agency facilities, project reports, hazard mitigation grant records, and related documentation, which may include capital improvement records. SEE ALSO the Emergency Management section. (Minimum retention: (a) Adopted plans: Permanent (b) Other records: for the life of the structure)

(20) News/Press Releases: Prepared statements, announcements, news conference transcripts, and similar records issued to the news media. Subjects include the adoption of new programs, termination of old programs, policy shifts, changes in the status of elected officials or senior administrative personnel, and others. Also may include news releases announcing routine events or actions carried out within the scope of existing policies. (Minimum retention: (a) Policy and historic news/press releases: Permanent (b) Routine news/press releases: 2 years)

(21) Notary Public Log Books: Records documenting notarial transactions completed by a notary public and employed by a government agency. Agencies may retain logbooks by agreement with the notary after their separation from employment. *Agencies retaining notary public log books without notary agreements should consult their legal counsel and/or the Secretary of State, Corporation Division for retention instruction.* (Minimum retention: 7 years after date of commission expiration)

(22) Organizational Records: Records documenting the arrangement and administrative structure of an agency. Includes charts, statements, studies, and similar records. May also include studies to determine the merit and feasibility of reorganization plans, as well as other major studies related to the administrative hierarchy. (Minimum retention: 2 years after superseded)

(23) Passport Transmittal Records: Records document the processing of passport applications. May include but is not limited to calendars, copies of transmittals sent to the United States Passport Office. Information includes daily and weekly totals of passports processed, applicants' names, amount paid, and departure date. (Minimum retention: 1 year)

(24) Permit and License Records, Agency-Issued*: Records documenting agency review, background investigations, recommendations and other actions related to permits and licenses issued for various activities not specified elsewhere in this general schedule. Permits may include but are not limited to those for taxi cab drivers, dances, parades, rocket launching, second hand dealers, alarm system dealers, liquor licenses, keeping livestock, and solicitors. Usually includes applications, background investigation reports, permits, licenses, and related records. (If a specific permitting function is included in another records series under a program or functional area such as public works or law enforcement in this general schedule, the retention period specified in that program or functional area supersedes the retention period listed in this series.) (Minimum retention: (a) Retain fee permits of license records: 3 years after expiration, revocation, or denial (b) Retain free permits or license records: 2 years after expiration, revocation, or denial)

(25) Planning Records: Series documents long-range plans and the development of an agency's mission statement and work objectives. Records include strategic plans, mission statements, preliminary drafts, work notes, and related correspondence. (Minimum retention: (a) Mission Statements and plans: 20 years (b) Other records: 5 years)

(26) Policy and Procedure Guidelines and Manuals*: Written instructions, rules, and guidelines in manual form documenting current and past authorized agency policies and procedures. Used for new employee orientation and for ongoing reference. Also useful in establishing past policies or procedures in liability cases, personnel disputes, and other instances. Includes manuals documenting the procedures of departments with higher risk or exposure to liability such as police, fire, emergency medical services, public works, etc. This series also includes routine documentation and

basic clerical instructional procedures covering such subjects as formatting letters, data entry, telephone etiquette, and others. Information often includes policy and procedure numbers, revision dates, subject identification, narrative description, authorization information, and effective date. The minimum retention periods refer only to agency-generated manuals. Manuals from other sources should be retained as needed or as mandated by a specific regulating body (federal or state agency, etc.), usually until superseded or obsolete. SEE ALSO Technical Manuals, Specifications, and Warranties in the Public Works-Operations and Maintenance section for published technical manuals and related materials. (Minimum retention: (a) Routine clerical manuals: 2 years after superseded or obsolete (b) Manuals relating to specific construction and/or engineering projects: 10 years after substantial completion, as defined by ORS 12.135(3) (c) One copy of all other manuals: Permanent)

(27) Policy Statements and Directives*: Series documents review, assessment, development, and authorization of an agency's formal policies and procedures that have been approved by a governing body. Records may include authorizing bulletins and advisories, mission and goal statements, manuals, and final policy statements and directives. Information often includes policy and procedure numbers, revision dates, subject identification, narrative description, authorization information, and effective date. SEE ALSO Policy and Procedure Guidelines and Manuals in this section. (Minimum retention: 20 years after superseded or obsolete)

(28) Polygraph Examiners Licensing Records: Documents statutory requirement that each polygraph examiner shall register with the County Clerk and that the Clerk shall maintain a list of examiners. Includes name of examiner and business address. (Minimum retention: 60 years)

(29) Postal Records: Records documenting transactions with the U.S. Postal Service and private carriers. Includes postage meter records, receipts for registered and certified mail, insured mail, special delivery receipts and forms, loss reports, and related items. (Minimum retention: 3 years)

(30) Professional Membership Records: Records documenting institutional or agency-paid individual memberships and activities in professional organizations. (Minimum retention: 3 years)

(31) Program Accreditation Records: Records document the evaluation, certification, and accreditation of an agency program by a nationally or regionally recognized accrediting organization AND are not otherwise specified in this general records retention schedule (OAR 166 division 150). Records may include but are not limited to self-evaluation reports; reports sent to accrediting organization; statistical data; evaluation reports; final accreditation reports and certifications; and related documentation and correspondence. Some records in this series may have historic value. SEE ALSO Professional Membership Records in this section. (Minimum retention: Retain current and one previous accreditation cycle, destroy)

(32) Public Notice Records*: Records documenting compliance with laws requiring public notice of government activities. Subjects include assessments, elections, land use changes, public meetings and hearings, sale of property, and others. Records include public or legal notices, certificates, affidavits of publication, and similar documents. SEE ALSO Competitive Bid Records in the Financial section for public notices related to bid openings and awards. (Minimum retention: 3 years)

(33) Publications: Published records produced by or for the agency or any of its departments or programs and made available to the public. Includes newsletters, pamphlets, brochures, leaflets, reports, studies, proposals, and similar published records. Does not include publications received from federal, state, private, or other sources — these publications and extra copies of agency-produced publications should be retained as needed. (Minimum retention: (a) Policy and historic publications: Permanent (b) All others: Until superseded or obsolete)

(34) Reports and Studies: Records document special reports or studies conducted on non-fiscal aspects of an agency's programs, services, or projects, compiled by agency personnel, or by consultants under contract that are not noted elsewhere in this schedule. Includes final report distributed either internally or to other entities and the work papers used to compile the report or study. (Minimum retention: 5 years)

(35) Requests and Complaints: Records documenting complaints or requests concerning a variety of agency responsibilities not specified elsewhere in this general schedule. Information often includes name, phone number, and address of person making request or complaint, narration of request or complaint, name of person responding to request or complaint, dates of related activities, and other data. (If a specific request or complaint is listed in another records series under a functional area such as law enforcement in this general schedule, the retention period specified in that functional area supersedes the retention period listed in this series.) (Minimum retention: 2 years after last action)

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(36) Resolutions*: Formal statements of decisions or expressions of opinions adopted by the agency. Information includes date, number, and text. SEE ALSO Meeting Records, Governing Body in the County Court and County Commissioners Records section. (Minimum retention: Permanent)

(37) Routing and Job Control Records: Records used to control the routine flow of documents and other items and actions in and between offices in the agency. Includes routing slips, job control records, status cards, receipts for records charged-out, batch slips, and similar records. (Minimum retention: 1 year)

(38) Security Records*: Series documents security provided for agency buildings and grounds. Records include surveillance records, security logs, sign-in sheets, security reports, incident reports, and related records. SEE ALSO Fire and Security Alarm System Records in the Fire and Emergency Medical Services section; Computer System Security Records in the Information and Records Management section; or Alarm Records and Surveillance Tapes in the Law Enforcement section. (Minimum retention: 2 years)

(39) Seminar and Conference Records, Agency-Sponsored: Records documenting the design and implementation of agency sponsored seminars, conferences, workshops, conventions, and similar gatherings. Often includes class descriptions, instructional materials, course outlines, enrollment and attendance records, reports, speeches, planning documentation, and related records. For records documenting registration billings and related fiscal actions, see the Financial Records section. (Minimum retention: (a) Significant program records: 5 years (b) Class enrollment and attendance records: 2 years (c) Other records: 1 year)

(40) Seminar and Conference Records, Non-Agency Sponsored: Records documenting activities of seminars, conferences, workshops, conventions, and similar gatherings not sponsored by the agency but attended by agency officials or personnel. May include staff reports, instructional materials, recommendations, related correspondence and memoranda, and similar records. (Minimum retention: 2 years)

(41) Special District Charters*: Constitution, bylaws, and all amendments to agency charters approved by voters or the State Legislature. Generally includes original charter, amendments, and related significant records. (Minimum retention: Permanent)

(42) Special District Codes*: Codified ordinances passed by a special district. Provides reference to all laws for both information and enforcement. Information may include ordinance numbers, amending ordinance numbers, code numbers, and text. (Minimum retention: Permanent)

(43) Special District Ordinances*: Legislative action of a special district to regulate, require, prohibit, govern, control, or supervise any activity, business, conduct, or condition authorized by Oregon Revised Statutes. Ordinances typically include a title, preamble, ordaining clause, subject clause, penalty for violation (when applicable), effective date, authorizing signature and seal. May also include indexes calendars, and documentation presented to support action. (Minimum retention: Permanent)

(44) Special Event and Celebration Records: Records documenting agency-sponsored celebrations of special and historic occasions such as centennials, pioneer days, and similar events. Provides a record of planning and promotional efforts, public attendance and response, major speeches and dedications, and other significant aspects of the celebration. These significant records may include studies, publications, photographs, attendance summaries, final reports, and other significant documents. This series also includes routine documentation related to implementing the promotion and organization of the event. These often include lists, rosters, correspondence, memoranda, volunteer information, and related records. Records may also include scrapbooks, but does not include news clippings. News clippings are not public records and may be discarded. (Minimum retention: (a) Records documenting significant aspects of the event: Permanent (b) Other records: 2 years after event)

(45) Surveys, Polls, and Questionnaires: Records documenting the measurement of public opinion by or for the agency related to various issues, actions, and concerns. May include surveys, polls, questionnaires, summaries, abstracts and significant related records. Examples of summaries include studies which incorporate the significant results of public opinion surveys, abstracts of questionnaires designed to determine the skills and interests of citizens volunteering for agency service, and other records which distill survey data into summary form. (Minimum retention: (a) Summary reports and abstracts: 3 years (b) Other records: Until summary report is completed or 3 years, whichever is sooner)

(46) Visitor Logs: Records document visitors to county buildings. Records name include visitors' names, visitor badges issued, and entrance and exit times. (Minimum retention: 1 year)

(47) Work Orders: Records documenting requests and authorizations, according to existing contracts or agreements, for needed services and repairs to agency property and equipment. May include copy center work orders, printing orders, telephone service and installation requests, repair authorizations, and similar records. (Minimum retention: (a) Retain work completed by county personnel: 1 year (b) Retain work completed by outside vendors: 3 years)

(48) Work Schedules and Assignments: Records documenting the scheduling and assigning of shifts, tasks, projects, or other work to agency employees. Useful for budget and personnel planning and review, assessing employee work performance, and other purposes. May include calendars, schedules, lists, charts, rosters, and related records. (Minimum retention: 5 years)

(49) Year 2000 (Y2K) Planning Records: Records document the planning and development of agency Y2K contingency plans. Records may include but are not limited to meeting minutes, correspondence, draft plans, work notes, plan test results, and final plan. Information includes type of systems vulnerable to Y2K, level of priority, and party responsible for system solution or troubleshooting. (Minimum retention: Destroy)

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 4-2004, f. & cert. ef. 9-1-04; OSA 2-2005, f. & cert. ef. 5-10-05; OSA 3-2012, f. & cert. ef. 10-29-12; OSA 1-2014, f. & cert. ef. 2-25-14

166-150-0035

County Clerk — Elections

(1) Absentee Ballot Requests: Used to enter a citizen's request for a ballot to be sent to them for the purpose of voting, or to change their current status as an absentee voter. Information includes voter name, address of residence, and mailing address. (Minimum retention: 1 year)

(2) Abstract of Votes (Record of Elections): Documents election results for General, Primary, Emergency, Recall, and Special Elections. Information includes candidate name/ballot title, precinct name, total votes per candidate/ballot title, total per precinct, under/over votes, and certification by County Clerk or election official. (Minimum retention: Permanent)

(3) Ballots: Documents ballots of voters who voted in Primary, General, Emergency, Recall, District, and Special elections. (SEE Vote by Mail Records)

(4) Contribution and Expenditure Reports: Documents contributions and expenditures by candidates or political action committees. Includes statement of organization, amount, source, and detail of contributions and expenditures. May also include receipts for expenditures. The Secretary of State Elections Division maintains the statewide record copy of Statements of Organization. (Minimum retention: (a) Statements of Organization: 6 years (b) All other records: 4 years after the date required to file update reports)

(5) Election Filings (Candidates and Referrals): Documents all necessary papers required to be filed by a candidate or governing body for primary, general, emergency, and special elections. May include petition of nomination, declaration of candidacy, certification of nomination, certificate of election, notice of measure election, and withdrawal of candidates. (Minimum retention: 4 years)

(6) Election Preparation Records: Used to prepare and administer elections. Records may include such information as number of ballots and ballot styles for each precinct, listing of measures and candidates by precinct, ballot layout records, and public certification test records. May also include documents on reconciliation. (SEE Vote by Mail Records)

(7) Election Security Plan: Records document the clerk's compliance with ORS 254.074 in which they clearly outline, in writing, the county's procedures for ensuring a secure elections process. Information in the plan includes but is not limited to a written security agreement entered into with any vendor handling ballots; security procedures for transporting ballots; security procedures at official places of deposit for ballots; security procedures for processing ballots; security procedures governing election observers; security procedures for ballots located in county elections work areas, buildings and storage areas; security procedures for vote tally systems, including computer access to vote tally systems; and postelection ballot security. These plans are required to be filed with the Secretary of State by the January 31 in each calendar year or one business day after any revision is made to the county elections security plan. (Minimum retention: 5 years)

(8) Help America Vote Act Identification Records: Records are used to verify the identity of a person registering to vote exists and their residence in the county they are attempting to register to vote in. Records include but are not limited to current and valid photo identification containing voter name and address, or a current copy of a utility bill, bank

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statement, government check, paycheck, or other government document that shows their name and address. The address listed must match the residence or mailing address submitted on their voter registration card. (Minimum retention: Retain until verified by county elections official)

(9) Initiative, Referendum, and Recall Records: Documents the initiative, referendum, and recall process by which voters propose laws and amendments to the State Constitution, refer an act of the Legislature or other governing body to a vote of the electorate, or recall a public official. Includes petitions, signature sheets, summaries of signature verification, text of proposed law, amendment, or response from public official. (Minimum retention: (a) Initiative & Referendum Signature Sheets: 6 years after election if measure is approved, as defined by ORS 250.235 & 255.205; (b) Recall Signature Sheets: 4 years after election if measure is approved; (c) Signature sheets if measure is not approved: 90 days after election or 90 days after deadline for sufficient signatures; (d) Initiative & Referendum Copy of Measure: Permanent, if measure is approved; and (e) All other records: 4 years)

(10) Legal Notices and Publications: Documents required pre-election legal notices by the County Clerk. May include publication of ballot title and notice of election. (Minimum retention: 4 years)

(11) Poll Books: Records issuance of ballot to eligible voter in an election. Includes name of elector, party affiliation, home address, ballot number, precinct number, and signature of voter. NOTE: Vote by Mail replaced poll elections in 2000. (Minimum retention: (a) Records created prior to 1931: Permanent; (b) All other records: 2 years)

(12) Registration List Authorizations: Documents the request and authorization for transmittal of voter registration information to citizens. Record consists of request and authorization for list of electors for a particular political boundary. (Minimum retention: 2 years)

(13) Secretary of State Reports: Documents required reports to the Office of the Secretary of State summarizing election registration, participation, and costs. May include Special District Election Report, Election Equipment Amortization Worksheet, Average Ballots Cast Worksheet, Allocated Cost Worksheet, and Local Elections Billing Worksheet. (Minimum retention: 2 years)

(14) Vote by Mail Records: Records are used to prepare, administer and abstract elections conducted by mail. Records include counted, duplicated, rejected, and defective ballots; returned signed, non-deliverable, and secrecy envelopes; and other documents used to prepare, administer and abstract elections conducted by mail. (Minimum retention: (a) Retain counted, duplicated, rejected, and defective ballots 2 years after elections containing federal candidates; (b) Retain counted, duplicated, rejected, and defective ballots 90 days after the last day to contest the election for all other elections not containing federal candidates; (c) Retain unused ballots 45 days after the election regardless of federal/nonfederal candidates; (d) Retain returned signed envelopes 2 years after the election regardless of federal/nonfederal candidates; (e) Retain secrecy and non-deliverable envelopes 60 days after the last day to contest the election for all elections regardless of federal/nonfederal candidates; and (f) Retain all other records used to prepare, administer and abstract elections conducted by mail 2 years after the election to which they relate)

(15) Voter Registration Records: Documents the registration or cancellation of registration of eligible voters or the cancellation of confidential voter status. Voter Registration Cards include the following information: name, signature, mailing and residence address, previous registration information, if ever registered in Oregon, date of birth, affirmation of citizenship, state residency, and political party. May also include records canceling or making inactive voter registration such as the notice of deceased list from Secretary of State, notice of change of address from Department of Motor Vehicles, U.S. Postal Service notice, and related correspondence (ORS 247.580). (Minimum retention: (a) Voter Registration Cards and all other records scanned into Oregon Centralized Voter Registration (OCVR): Destroy after entered into Oregon Centralized Voter Registration system; (b) All other records: 2 years)

(16) Voters Pamphlet Records: Documents the compilation, publication, and distribution of the County Voters' Pamphlet for primary, general, and statewide special elections. The County Voters' Pamphlet contains candidate statements, candidate photographs, ballot measure arguments, explanatory statements of ballot measures, and other information to assist voters. (Minimum retention: (a) Retain 1 copy permanently; (b) Retain pamphlet preparation records: 4 years after election)

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005 - 192.170 & 357.805 - 357.895

Hist.: OSA 4-2004, f. & cert. ef. 9-1-04; OSA 10-2009, f. & cert. ef. 12-23-09; OSA 3-2012, f. & cert. ef. 10-29-12; OSA 1-2014, f. & cert. ef. 2-25-14

166-150-0040

County Clerk — General

(1) Board of Property Tax Appeals Meeting Records: Documents the proceedings of the Board of Property Tax Appeals. Includes copy of order appointing board members, oaths of office of members, verification of training, delegation of legal counsel, affidavit of publication, record of appointment of board appraiser, agendas, date of meeting, list of those present who present evidence and a short discussion of the evidence presented, all material presented as evidence, all motions and who made them, results of all votes and how each member voted, petitions, authorizations to represent, defective petition notices, copy of hearing notice mailed to petitioner, recommendations and orders made by the board, and summary of actions. The following information is entered into the journal of the county governing body: date members appointed, positions to which the members were appointed, and a record of the date the board convened and the date the board adjourned. (Minimum retention: 6 years)

(2) Budgets (Taxing Districts): Documents budgets required to be filed by taxing districts within the county for the purpose of making them available for public inspection. Budget documents may include budget overview, budget policies, organization charts, budget detail reports, and summary schedules (Minimum retention: (a) County budget: Permanent (b) Other taxing district budgets: 2 years)

(3) County Charter: Constitution, bylaws, and all amendments to agency charters approved by voters or the State Legislature. Generally includes original charter, amendments, and related significant records. (Minimum retention: Permanent)

(4) County Code: Codified ordinances passed by the county. Provides reference to all laws for both information and enforcement. Information may include ordinance numbers, amending ordinance numbers, code numbers, and text. (Minimum retention: Permanent)

(5) Court Records (Circuit and District): Consists of Circuit or District court records in the official custody of the County Clerk which were not transferred to the Office of State Court Administrator. These records document court functions and responsibilities prior to the administrative change in 1981. May include, but are not limited to, Adoption Records, Change of Name Records, Civil and Domestic Case Files, Criminal Case Files, Delayed Birth Case Files, Mentally Ill or Deficient Case Files, Probate Records, Guardianship Records, Conservatorship Records, Court Reporter Notes, Journal or Order Records, Judgment Dockets, Naturalization and Immigration Records, and related indexes. (Minimum retention: Refer to the Oregon Judicial Department, Office of State Court Administrator, for retention and disposition information)

(6) Deed Instruments: Documents conveyance or encumbrance of an interest in real property. May include deeds; condominiums, plats, and partition plats; leases; contracts; easements; covenants, conditions, restrictions; options, and affidavits. Depending on local filing practices, this series also may be included as part of a Book of Records. (Minimum retention: Permanent)

(7) Deeds to Agency Owned Land: Recorded evidence of agency ownership of public lands and right-of-ways. Exhibits may include maps and legal descriptions, title transfers, and significant related correspondence. Information typically includes a description of property, signatures of previous owner and agency representative, and date of transfer. (Minimum retention: 3 years after property is no longer owned by the county)

(8) Easements: Recorded grants by property owners to the agency for use of private property for public uses. Examples consist of street, utility, bikeway, sewer, storm drain, and landscaping easements. May include maps or other exhibits. Information includes property owner's name and signature, location of property, type of easement, terms, and date of signing. (Minimum retention: Permanent)

(9) Fee Records: Records documenting billing and collection of fees or assessments for instruments received for recording. Information includes date and time of reception, name of grantor, name of grantee, to whom delivered, and fees received. (Minimum retention: 3 years)

(10) Filed but Not Recorded Records: Records documenting records that are required to be filed, but not recorded with the county clerk. Records may include but are not limited to quarantine orders, lost property notices, affidavits of publication, meeting notices, and hearing notices. (Minimum retention: 2 years)

(11) General Index (Direct and Indirect): Documents statutory requirement to create a direct and indirect index at least once a year of recorded instruments. May include date and time of reception, names of grantor, names of grantee, nature of instrument, volume and page where recorded, remarks, and brief description of tract. Depending on local filing

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practices, this series also may be included as part of a Book of Records. (Minimum retention: Permanent)

(12) Lien Instruments: The County Clerk Lien Record documents orders or warrants assessing a civil penalty issued by state or federal agencies or others. Serves as a public notice of an encumbrance judgment docket for civil penalties and has the effect of a judgment entered in a circuit court docket. The order or warrant becomes a lien upon any interest in real property or against an individual whom the order is issued. Information may include name of person incurring the penalty, name of officer or agency issuing, amount of civil penalty including penalty interest and other charges, date received and recorded, and full or partial satisfactions. Also may include other liens such as construction liens, chattel liens, and hospital liens which may not be included in the County Clerk Lien Record. Depending on local filing practices, this series also may be included as part of a Book of Records. (Minimum retention: (a) County Clerk Lien Record: Permanent (b) Other Statutory Lien Records: 10 years)

(13) Marriage Records: Documents licenses issued and solemnization of marriages. Includes (Health Division, Vital Records Unit) Record of Marriage, Consent to the Marriage of a Minor, Affidavit that there is no Parent or Guardian in Oregon, Waiver of Waiting Period, and related records. Also may include the copy of the marriage license if the County Clerk performed the ceremony. (Minimum retention: Permanent)

(14) Miscellaneous Recordings (Not Authorized by Statute): Documents recordings of various instruments not authorized by statute. Historically, this series may be referred to as Miscellaneous Records, and may include recordings of documents which were authorized by statute but that recorded events which occurred outside the county. Examples of records currently filed in this series include: not notarized earnest money agreements, personal papers, legal instruments, and other miscellaneous writings. (Minimum retention: (a) Records created prior to 1965: Permanent (b) All other records: 10 years)

(15) Mortgage Instruments: Documents conveyance of lands to secure the payment of a debt. May include mortgages, trust deeds, weatherization liens, senior citizen tax deferrals, Uniform Commercial Code (UCC) filings, and supporting records. (Minimum retention: Permanent)

(16) Municipal Corporation Claims: Documents description of property in which a municipal corporation claims assessment liens for local improvement. May include property description, record owner, and date of notice. (Minimum retention: 6 years after satisfaction)

(17) Oaths of Office: Signed oaths taken by various elected and appointed officials before discharging duties of office. Information typically includes date, name, office held, text, and signatures. (Minimum retention: 6 years after expiration)

(18) Property or Goods Finders Records: Documents requirement that a person who finds money or goods valued at \$250 or more must give notice in writing to the County Clerk. The finder becomes the owner of the property or goods if not claimed by a specified time period. Includes description of property or goods, date, and location found. (Minimum retention: 2 years)

(19) Public Notification of County Contracts: Documents statutory requirement for the County Clerk to list all contracts entered into by the county for the year covered by the report in counties not having a County Accountant. Includes name of contractor, work contracted for, amount of the work contracted for, whether bonds were required, and the amount and whether let privately or by public bidding. May also include certified statement documenting assets and liabilities of the county, claim and warrant report, sheriff collection reports, and treasurer's collection report. NOTE: ORS 294.230 repealed requirement for creation of this series in 1999. (Minimum retention: Destroy)

(20) Public Recordings (Authorized by Statute): Documents recordings of various instruments authorized by statute for the purpose of making a public record. Examples include bulk transfers, cooperative agreements, military discharge records, mining claims, occupation and professional licenses, power of attorney, and water rights records. This series may be referred to as the Book of Records. (Minimum retention: Permanent)

(21) Special District Records: Documents the formation, merger, operation, and dissolution of special districts within the county. May include ordinances, orders, formation records, annexations, maps, petitions, and assessments required to be filed in the Office of County Clerk. (Minimum retention: Permanent)

(22) Undeliverable Recorded Instruments: Documents recordings returned as undeliverable. The primary reason for nondelivery is incorrect disposition information provided by the person recording instrument. Examples include wrong address given, forwarding information incorrect,

or not picked up at office as previously specified. (Minimum retention: 1 year)

(23) Declaration of Oregon Registered Domestic Partnership Records: Documents declaration of Oregon registered domestic partnerships. Includes (Public Health Division, Vital Records Unit) Record of Domestic Partnership and related records. (Minimum retention: Permanent)

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005-192.170 & 357.805-357.895

Hist.: OSA 4-2004, f. & cert. ef. 9-1-04; OSA 1-2014, f. & cert. ef. 2-25-14

166-150-0095

District Attorney Records

It should be noted that the District Attorney in each Oregon County is an official employee of the State. Due to the status of the District Attorney position, the State Archives would recommend utilizing the State Agency General Records Retention Schedule for all financial records produced in county District Attorney offices.

(1) Attorney General Opinions: Records document Attorney General Opinions and attorney's letters of advice. Records may include but are not limited to requests for opinions; opinions; letters of advice; copies of legislative bills, statutes, and administrative rules; and correspondence. The Department of Justice maintains the statewide record copy of Attorney General Opinions. (Minimum retention: 5 years)

(2) Case or Docketed Files: Records document criminal cases tried and filed by the District Attorney for the county. Records may contain but are not limited to police reports, copies of court documents, computerized criminal histories, District Attorney notes, court exhibits, and related correspondence. Information may include defendant's name, date of birth, address and social security number; victim's name, date of birth, address and social security number; and description of the crime and crime scene. (Minimum retention: (a) Retain cases of murder, treason, or Class A felony, with a judgment of guilty: 60 years or 3 years after sentence expires, whichever is longer (b) Retain all other felonies, with a judgment of guilty: 3 years after sentence expires (c) Retain felony cases, dismissed or with judgment of not guilty: 3 years (d) Retain misdemeanor cases: 3 years after termination (e) Retain violation cases: 1 year after termination (f) Retain support enforcement cases: 3 years after all support paid)

(3) Civil Forfeiture and Asset Seizure Files: Records document cases involving seizure of assets for civil forfeiture. Records contain police reports, District Attorney notes, legal pleadings and notices, descriptions and pictures of property and/or cash, and Asset Forfeiture Oversight Advisory Committee forms and reports. Records may contain information regarding the incident leading to seizure, owner's and interested parties' personal information, and statistical and budget information. (Minimum retention: 5 years)

(4) Denied Prosecution Files: Series documents correspondence between District Attorney's office and an outside investigative agency (police department) concerning the inability to prosecute cases based on a lack of evidence. These documents are generated in response to police investigations and consist mainly of correspondence and case descriptions. (Minimum retention: 1 year)

(5) District Attorney Opinions: Series documents official recommendations, advice or opinions of the District Attorney issued to local officials. Records may include requests for opinions, opinions, letters of advice, and grand jury notes. Topics may include establishment, modification or discontinuance of policies or services, and studies, plans, research, or discussions of facilities, services, or issues in the criminal justice system. (Minimum retention: Permanent)

(6) Grand Jury Records: Series describes the documents produced by the Grand Jury in relation to individual cases. The records document the progress and deliberations within the grand jury. Grand Jury Proceedings may include notes, votes, subpoenas, and dockets. These records are not released into the general criminal files and are retained separately from the respective criminal files. (Minimum retention: (a) Retain notes, votes, and dockets: 10 years (b) Retain subpoenas and member lists: 1 year)

(7) Grand Jury Reports: Series documents reports filed by the grand jury at the completion of the mandated tours of public institutions and courts. ORS 132.440 requires that the grand jury inquire into the condition and management of every correctional and juvenile facility in the county as defined in ORS 162.135 at least once a year. Information may include tour date, facility name, and any findings of the grand jury. (Minimum retention: (a) Retain reports not filed with the courts: 20 years (b) Retain reports filed with the court: 2 years)

(8) Indictment Returned Lists: Series documents lists of grand jury indictments returned, schedules of people awaiting grand jury hearings, or cases pending hearings or trial. Information may include names of people

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awaiting hearings, and names of cases pending or of returned indictments. (Minimum retention: 2 years)

(9) Investigation Files: Records document criminal cases investigated, but not tried, by the District Attorney. Records may contain but are not limited to police reports, computerized criminal histories, District Attorney notes, grand jury notes, and related correspondence. Information may include suspect's name, date of birth, address and social security number; victim's name, date of birth, address and social security number; and description of the crime and crime scene. (Minimum retention: (a) Retain cases of murder or treason: Permanent (b) Retain class A felony cases: 25 years (c) Retain class B felony cases: 10 years (d) Retain class C felony cases and support enforcement cases: 5 years (e) Retain accident and death investigations: 3 years (f) Retain misdemeanor cases: 2 years (g) Retain violations cases: 1 year)

(10) Mental Commitment Hearing Files: Records document cases involving incidents or possibly crimes involving mentally ill persons. Records may include police reports, mental health evaluations and referrals, legal pleadings, commitment orders, District Attorney notes, subpoenas, and correspondence. Information may include person's personal information, a victim's personal information (if applicable), and/or witness information. (Minimum retention: 5 years)

(11) Multi-Disciplinary Team Records: Records document the activities and management of the county Multi-Disciplinary Team (MDT). Respective MDTs may have members from city, county, or state agencies. Records may include grant and account records, meeting minutes, annual reports and budgets, member lists, interagency agreements, and correspondence. (Minimum retention: 5 years)

(12) Official Business Register: Series documents the scheduling and status of actions, suits, or legal proceedings involving the District Attorney. Information may include names of individuals or cases, dates or court events, grand jury dockets, and cases scheduled. (Minimum retention: 25 years)

(13) Public Records Disclosure Request Records: Series documents public appeals to the District Attorney when initial requests for access to public documents was initially denied. Records may include but are not limited to requests for disclosure, types of records requested, request logs, notation of transfer to another district, approvals, denials, copies of petitions to the District Attorney for review of disclosure denials, District Attorney Orders to grant or deny disclosure, correspondence, and related documentation. (Minimum retention: (a) Approved requests: 2 years (b) Denied requests: 2 years after last action)

(14) State Breathalyzer Permits: Series documents the maintenance of copies of the state breathalyzer permits issued to local law enforcement personnel by the state to perform breathalyzer tests. Information includes name of individual permit issued to, date of issuance, and expiration date. (Minimum retention: Retain most current copy)

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005–192.170 & 357.805–357.895

Hist.: OSA 4-2004, f. & cert. ef. 9-1-04; OSA 1-2014, f. & cert. ef. 2-25-14

166-150-0135

Law Enforcement

(1) Activity Reports, Law Enforcement: Individual officer, shift, and other activity reports usually filed on a daily, weekly, monthly, or annual basis. Useful for reference, performance monitoring, compiling annual reports, planning and budgeting, and for briefing subsequent shifts or activities. Applies to various duties such as dispatch, confinement, investigations, and patrol. Information usually includes name, shift, date, activities, and various statistical categories for tracking the number of arrests, phone calls, mileage, and other indicators. Also includes monthly and annual law enforcement or uniform crime reports summarizing statistics on criminal activity and office operations. Information may include date, categories, totals, and related data. (Minimum retention: (a) Annual reports and monthly reports for years in which no annual report exists: Permanent (b) Other reports: 2 years)

(2) Alarm Records: Records documenting the licensing, use, and response to security alarms. Licenses and permits usually contain name and address of holder, type of alarm, location, instructions to officers responding to call, names of individuals to be contacted when alarm sounds, fee charged, and related data. Other records may include alarm response reports and false alarm reports. False alarm reports are used to document ordinance violations concerning the number of false alarms in a given period. (Minimum retention: (a) Alarm licensing and permit records: 3 years after expiration or revocation (b) Other records: 3 years)

(3) Animal Control Records: Records document activities relating to animal control. Records may include reports, logs, lists, cards, receipts, and

related correspondence. Records may relate to dog or cat licenses, lost and found animals, animals running at large, and bite reports. Animal license information usually includes name, address and phone number of owner, name and description of animal, vaccination dates, and related information. (Minimum retention: (a) Licensing records: 3 years after expiration (b) Other records and reports: 2 years)

(4) Arrest Warrant Log Records: Records documenting the status of arrest warrants as served, unserved, or recalled by the court. May include logs, validation listings, checkout sheets, and related records. Logs usually include date of warrant, subject's name, charge, date, warrant served or recalled, and related information. (Minimum retention: Until superseded or obsolete)

(5) Arrest Warrant Records: Records related to a written order made by the court on behalf of the commanding law enforcement officials to bring a specified individual before the court. May also include detainer requests, informational documents related to the wanted person, teletypes, and other records relevant to the service of warrants. Warrant information includes date, court, judge's name, individual's name and date of birth, charge, and related data. (Minimum retention: Until served, recalled, or cancelled by the court)

(6) Bail Records: Records document the receipt of bail monies or recognizance bonds by the county as stipulated in ORS 135.720. Records may include logs of monies received, names of individuals posting bonds and inmate it applies to, staff member who accepted payment, and dollar totals of deposits made to the State Court. (Minimum retention: 3 years)

(7) Block Home Program Records: Records documenting the application for and review, denial, or approval of block home designations. The Block Home Program is designed to provide safety and protection to school age children. The department conducts background checks on applicants. Information often includes date, name, address, date of birth, Social Security number, educational and work background, police record check, approval or denial decision, and related data. (Minimum retention: (a) Approved application records: 2 years after withdrawal from program (b) Denied application records: 2 years)

(8) Booking Records: Books, logs, or other records documenting the confinement and release of individuals held in an agency correctional facility. Information usually includes name, charges, date of confinement, date of release, physical condition, and related data. Booking records related to individuals known to be dead need not be retained. (Minimum retention: (a) Homicides: 20 years (b) Felonies: 10 years (c) Misdemeanors: 5 years)

(9) Briefing Records: Records document internal communications between supervisors and shift workers or between staffs on different shifts to alert them to problems, issues, or activities. This can include jail, patrol, and other agency staff. Records may include briefing logs and teletype/computer messages. (Minimum retention: (a) Retain messages of interest to law enforcement agency not warranting inclusion in INCIDENT CASE FILES or other record series: 1 year other record series: 1 year (b) Retain all other messages: Until read)

(10) Bulletins from other Agencies: Bulletins, circulars, and related records received from federal, state, other state, and local law enforcement agencies. Usually contains descriptions and photographs of fugitives, missing persons, or stolen property. May also include other information of interest to the department. (Minimum retention: Until superseded or obsolete)

(11) Chaplain/Religious Counsel: Records document the role of the agency or jail chaplain/religious counsel, volunteer chaplains, or groups that volunteer their time to the agency for religious purposes. Duties may include counseling of staff and/or inmates, counseling of family members of staff and/or inmates, victim's assistance, death notifications, crisis intervention, and special services, including weddings and funerals. Records may include individual guidance records, schedules, activity reports, authorizations of inmate articles (i.e. prayer feathers, medicine bags, wedding rings, etc.), and marriage and death records. (Minimum retention: (a) Retain inmate counseling records: 3 years after inmate release (b) Retain all other counseling records: 1 year)

(12) Civil Emergency/SWAT Team Records: Records document the planning for and performance of hostage negotiations, riot response, bomb threats, or other tactical situations. Records may include maps rosters, equipment inventory, training records, and situation reviews. (Minimum retention: 3 years)

(13) Civil Enforcement Case Files: Record of actions taken relating to a specific civil case. Information may include attempts at service, actual service information, and documentation of enforcement actions taken under the provisions of the order. (Minimum retention: 3 years after action completed)

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(14) Computer Inquiry Records: Logs or other hard copy records documenting requests made to other agencies involving missing persons, wanted persons, stolen vehicles, and other subjects. (Minimum retention: Until superseded or obsolete)

(15) Computer Validation Records: Logs or similar hard copy records detailing validation requests and proof of verification for NCIC or other law enforcement information networks. Useful to document maintenance of network standards. (Minimum retention: 5 years or until audited by NCIC or other applicable law enforcement network, whichever is shorter)

(16) Concealed Weapons Permit Records: Records documenting issuance of concealed handgun licenses and renewals as specified in ORS 166. Records include license applications, license renewal applications, copies of identification, background check results, license revocations and denials, and related records. Information must include the applicant's legal name, current address and telephone number, date and place of birth, hair and eye color, height and weight, applicant's residence address or addresses for the previous three years, photograph of applicant, fingerprints of applicant, and applicant's signature. (Minimum retention: (a) Revoked permits: 4 years after revocation or denial (b) All other records: 2 years after expiration or transfer of permit)

(17) Crime Analysis Records: Records documenting department efforts to anticipate, prevent, or monitor possible criminal activity. May include reports, statistical summaries, trend or prediction information, photographs, sound and video tape recordings, and related documents. Subjects often include crime patterns or modes of operation, analysis of particular crimes, criminal profiles, forecasts, movements of known offenders, alerts from other agencies, and others. (Minimum retention: (a) Major crime analyses or studies: 10 years (b) Other records: Until superseded or obsolete)

(18) Crime Prevention Community Policing Organization Records: Mailing lists, plans, evaluations, notes, reports, and other records documenting community organizations, associations, individual volunteers, and others engaged in or interested in crime prevention efforts. Information is also used to develop community support for law enforcement programs and events. Records include presentations, publications, brochures, and newsletters. (Minimum retention: Until superseded or obsolete)

(19) Crime Prevention Community Policing Event Records: Records document annual or one-time events organized by the agency or participated in where personnel are available to answer questions and provide educational information. Examples include National Night Out, safety fairs, bicycle rodeos, and open houses. Records include site information, schedules, volunteer rosters, and event evaluations. (Minimum retention: (a) Records of events considered significant and/or historical by local officials: Permanent (b) Retain all other event records: 1 year)

(20) Crime Prevention and Community Policing Program Records: Records documenting department efforts to train citizens in crime prevention. May contain training and media presentation records including lesson plans, outlines, tests, evaluations, speeches, and related records. Subjects usually include neighborhood watches, home security, and others. (Minimum retention: (a) Retain significant program records: 5 years (b) Retain class enrollment and attendance records: 2 years (c) Retain other records: 1 year)

(21) Crime Prevention Security Survey Records: Records documenting citizen requested officer surveys of homes and businesses and subsequent recommendations related to security. Usually contains a detailed checklist of problems or security defects. Subjects often includes areas of potential break in, blocked exits, landscaping that can hide crime, and similar topics. Survey usually is compiled into a report that is sent to the owner or renter. (Minimum retention: 2 years)

(22) Crime Prevention Vacation House Inspection Records: Records documenting the inspection of homes and other properties while the occupants are away. Information often includes name, address, date received, vacation beginning and ending dates, emergency contact information, special conditions at the house or property, dates and times officers checked the house or property, and related data. (Minimum retention: 30 days after inspections end)

(23) Criminal Arrest History Records: Records documenting information on the accumulated criminal arrest history of individuals which may be useful in current or future investigations. Records may include summary sheets or cards, arrest reports, fingerprint cards, mug shots, and related documents. Information often includes name, aliases, residence, sex, age, date and place of birth, height, weight, hair and eye color, race, scars, marks, tattoos, abnormalities, date of arrest, offense committed, habits, closest relatives or friends, and more. Records may be destroyed earlier if

individual is known dead. (Minimum retention: (a) Homicides: 20 years (b) Felonies: 10 years (c) Misdemeanors: 5 years)

(24) Criminal History Dissemination Records: Logs and other records documenting the dissemination of criminal histories and other law enforcement information to other agencies or criminal information systems. May include teletype and computer message logs. Information includes date of release, subject of information, recipient of information, reason information was requested, and identification numbers. (Minimum retention: Until case completed or suspended)

(25) Criminal Intelligence System Database Records: Records documenting possible and proven criminal activity by individuals, groups, organizations, and businesses for use by local government law enforcement agencies. Information is categorized into file groupings as defined by OAR 137-090-0080 after collection and evaluation. Retentions are based on procedures detailed in 137-090-0160. Includes investigatory reports, statistical reports, correspondence, memoranda, and related records. Information includes suspect identification, alleged activity, location, date, source validity, and other data. Sources include law enforcement and regulatory agencies, and private citizens. (Minimum retention: (a) "Permanent Files" as defined by 137-090-0080: 5 years (b) "Temporary Files" as defined by 137-090-0080: 1 year (c) "Working Files" as defined by 137-090-0080: 30 working days)

(26) Debriefings: Records documenting law enforcement operations, which are distributed in order to improve communication. Records include, but are not limited to, mission sheets, after action reports and operations order records. (Minimum retention: 3 years)

(27) Detoxification Confinement Logs: Logs listing names of individuals held because of drunkenness and released when sober. Includes dates and times confined and released, name of individual, and related information. (Minimum retention: 2 years)

(28) Dog Handler Reports: Records documenting training and performance of dogs involved in law enforcement operations. Note: For limitations, see ORS 131.125, 131.155, 166.715-177.735, and other applicable statutes. (Minimum retention: 1 year after statute of limitations on case expires)

(29) Electronic Home Detention Records: Records documenting the application and use of electronic monitors for inmates selected for electronic home detention monitoring. Documentation includes computerized tracking reports, printouts and computer schedules; documentation on offender violations, including unauthorized absences or activities; notifications to apprehend and control any absconding offenders; system troubleshooting notations and other related correspondence. (Minimum retention: 3 years after removal of monitor)

(30) Emergency Telephone Calls Continuous Audio Files: Records document incoming emergency calls, law enforcement and emergency dispatches, radio activity, and 9-1-1 calls. Files are maintained on a 24 hour basis. Recordings of serious incidents may warrant longer retention for legal reasons. These should be transferred onto a separate medium and retained until legal action is resolved. (Minimum retention: 7 months)

(31) Equipment Issued/Quartermaster Records: Records documenting equipment issued to an agency law enforcement agency and other agency personnel. Items include but are not limited to handcuffs, keys, uniforms, badges, personal protective and fire fighting equipment, and lockers. May include inventories, optional equipment lists, data sheets, and other records. Information often includes date, employee name, number, and section, description of equipment, and related data. (Minimum retention: Until superseded or obsolete)

(32) Expunged or Sealed Records: Records documenting the arrest and/or conviction of a person who petitions and is granted by the court an order sealing or otherwise disposing of any related records according to ORS 137.225. "Upon entry of such an order, the applicant for purposes of the law shall be deemed not to have been previously convicted, or arrested as the case may be, and the court shall issue an order sealing the record of conviction or other official records in the case, including the records of arrest whether or not the arrest resulted in further criminal proceeding." Also applies to records related to juveniles as outlined in ORS 419A.260 and 419A.262. (Minimum retention: (a) Dispose expunged records according to the directive of the court (b) Retain expungement orders 75 years or according to the directive of the court (c) Retain sealed records 75 years or according to the directive of the court)

(33) Field Interrogation Reports: Informational reports written by a law enforcement officer related to individuals, events, or vehicles for which the officer does not have probable cause for enforcement. Information usually includes name and address of person contacted, physical description of

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person or vehicle, officer's name, location of contact, date and time, witnesses, reason for contact, and related data. (Minimum retention: 1 year)

(34) Fingerprint Cards: Cards containing fingerprints, palmprints, toepprints, and other personal identifiers of arrested individuals. Used for identification and apprehension of suspects in criminal investigations. May also include fingerprints of private security personnel working in an area. Information often includes name, address, date and place of birth, Social Security number, alias, occupation, employer, name of individual taking prints, and related data. Fingerprint cards of individuals known to be dead need not be retained. Fingerprint cards are currently transmitted to the Oregon State Police and maintained there. (Minimum retention: Until transmission to the Oregon State Police verified)

(35) Fingerprint Cards, Latent: Cards containing latent fingerprints and palmprints found at crime scenes without identification of suspects. These are compared against cards on file at the agency. Usually contains information related to the crime, location, date and time, and other details of the case. (Minimum retention: (a) Unnatural death: 75 years (b) Sexual felonies defined in ORS 131.125: 27 years (c) Other felonies: 6 years (d) Other offenses: 3 years)

(36) Handgun Dealers' Sales Records: Records documenting purchases of handguns from dealers. May include duplicate register sheets mailed by the dealer to the law enforcement agency and triplicate register sheets mailed by the dealer to the State Police for criminal records checks and then forwarded to the agency. Information includes series number, sheet number, sales person, Date and time, city/county, make, serial number, caliber, name of purchaser, date of birth, address, height, occupation, race, color of eyes and hair, local address (if traveling), and signatures of purchaser and sales person. ORS 166.412(7) states that "the department may retain a record of the information obtained during a request for a criminal records check for no more than five years." (Minimum retention: 3 years)

(37) Impounded and Abandoned Vehicle Records: Records documenting vehicles impounded by the department related to accidents, abandonment, recovered stolen vehicles, vehicles used in the commission of crimes, and other reasons. May include reports, notifications, information cards or sheets, receipts, and related records. Information often includes the make, model, year, color, identification number, tag number, and condition of the vehicle and contents, reason for impounding, location of impoundment, charge, if any, towing company used, release conditions, name and address of individual to whom vehicle was released, and other data. (Minimum retention: 3 years after disposition for records not included in Incident Case Files)

(38) Incident Case File Indexes: Indexes to incident case files used as cross references between case numbers, names, dates, modus operandi, and other descriptive information. (Minimum retention: Until superseded or obsolete)

(39) Incident Case Files: Central case files documenting complaints or other actions or incidents investigated by the department. Usually filed by case number. Records may include investigative reports, fingerprint cards, original arrest reports, supplemental reports, photographs, correspondence, teletypes, court orders, court dispositions, officer notes, laboratory reports, DUI test records including chemical analyses (also known as intoxilyzer or breathalyzer test records), citizen arrest certificates, copies of warrants, search warrants, and booking sheets, property/evidence reports, custody reports, and other related documents. Information usually includes suspect identification, alleged activity, location, date, validity of source information and other data. Sources include law enforcement and regulatory agencies and private citizens. SEE ALSO Juvenile Temporary Custody Records in this section. (Minimum retention: (a) Retain cases involving crimes with no statutes of limitations: 75 years after case closed (b) Retain Missing Persons Reports: Until cleared (c) Retain all other cases: until statute of limitations expires)

(40) Indemnity Bonds: Copies of insurance bonds issued to indemnify the law enforcement agency against claims of wrongful actions in civil seizure cases. (Minimum retention: 2 years after seizure has been completed and a return has been made to the court of issuance)

(41) Informant Case Files: Records documenting information about informants used by department personnel. May include reports, correspondence, payment records, fingerprint cards, signature cards, letters of understanding on informant activities, and related records. (Minimum retention: Until superseded or obsolete)

(42) Inmate Accountability Records: Logs, lists, rosters, and other records documenting inmate counts, cell locations, and status, as well as related information. May include logs detailing status of individual inmates such as those awaiting action or on hold status, released on their own recog-

nizance, or released on security. May also include rosters documenting the location of all inmates by head counts at regular intervals. (Minimum retention: 1 year)

(43) Inmate Case File Indexes: Indexes used to access inmate case files. Usually cross referenced by name, case number, and other identifiers. (Minimum retention: Until superseded or obsolete)

(44) Inmate Case Files: Records documenting non-medical information on inmates confined in an agency correctional facility. Often contains date of entry, date of release, incident reports, release receipt indicating return of property, court commitment and release orders, behavioral information, and other relevant information concerning the arrest and confinement of an individual. (Minimum retention: 3 years after release)

(45) Inmate Grievances: Records documenting the receipt of, investigation of and actions taken in regard to inmate grievances. (Minimum retention: 3 years after last action)

(46) Inmate Meal Records: Records documenting menus used to plan and schedule inmate meals. May include listings of those inmates who received meals. Information may include month, day, meal, menu, inmates served, and related data. (Minimum retention: 6 months)

(47) Inmate Medical Records: Records documenting outpatient medical treatment given to inmates. Often contains treatment log, prescriptions, health questionnaires, laboratory reports, x-ray reports, medical reports from other facilities, medication records and related records. Information may include inmate's name, date of treatment, description of treatment, medications given and information regarding the medication dispensed and related data. (Minimum retention: 6 years after inmate release)

(48) Inmate Program Records: Records documenting the education, recreation and miscellaneous programs that inmate participated in while at the facility. (Minimum retention: 3 years)

(49) Inmate Telephone and Mail Records: Logs and other records documenting telephone calls and mail sent and received by inmates. Information may include name of inmate, date and time of telephone call or mail, and related data. (Minimum retention: 1 year)

(50) Inmate Visitor Records: Records documenting information about visitors to inmates confined in an agency correctional facility. May include logs, request slips, and related records. Information often includes date, time in, visitor's signature and address, object of visit, time out, and related data. (Minimum retention: 1 year)

(51) Inmate Work Programs: Records documenting the control of and participation of inmate work programs. (Minimum retention: 3 years)

(52) Internal Investigations Case Files: Records documenting investigations of department personnel for violations of laws, rules, or policies and may include findings and dispositions of investigations. Records often contain complaints, correspondence, investigatory reports, interviews, hearing summaries and testimony, and related documents. Information usually includes name of employee investigated, reason, location of violation, date, accomplices' names and addresses, witnesses' names and addresses, action taken, and related data. (Minimum retention: (a) Investigations resulting in Termination: 10 years after employee separation (b) Investigations resulting in disciplinary action or exoneration: 2 years after resolution (c) Unfounded Investigations: 1 year)

(53) Jail Monitoring Records: Records include audio and video recordings of prisoners booked into the jail facility. Video recordings are also made during inmate altercations and incidents where the Corrections Emergency Response Team (C.E.R.T.) members are utilized for inmate control. These recordings typically contain footage of use of force that are used in staff training sessions, but may also serve as evidence in criminal proceedings. (Minimum retention: (a) Prisoner booking videos: 30 days (b) C.E.R.T. training videos: Until superseded or obsolete (c) C.E.R.T. videos as evidence in criminal proceedings: destroy by order of the court)

(54) Jail Canteen, Commissary or Kitchen Records: Records documenting the routine operations and control of jail canteens, commissary and kitchens. Includes inventory control records, inmate accounting records, and other related files. (Minimum retention: 3 years or until audited, whichever is longer)

(55) Juvenile Offender/Victim Restitution Records: Records documenting the facilitation of restitution for crime victims of first time juvenile offenders. Typical cases may include criminal mischief, vandalism, minor assault, theft, and harassment. Information may include name, address, and phone number of person filing complaint, case number, date of activity, narration of the complaint, name of offender, date case closed, and other data. (Minimum retention: 5 years after last action, or youth reaches age of majority, whichever is longer)

(56) Juvenile Temporary Custody Records: Records documenting children taken into temporary custody by the department as defined in ORS

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419B.150 through 419B.175. The action is not considered an arrest. Information may include the name, age, and address of the child, the name and address of the person having legal or physical custody of the child, reasons for and circumstances under which the child was taken into temporary custody, and other data. SEE ALSO Delinquent Case Files, Adjudicated (Formal); and Delinquent Case Files, Informal in the County Juvenile section. (Minimum retention: 3 years)

(57) Lost and Found Property Records: Records documenting agency receipt and maintenance of lost and found or abandoned property such as money, bicycles, automobiles, and other items not related to a crime. Includes receipts, inventory lists, destruction logs, property reports, and related records. (Minimum retention: 2 years after disposition)

(58) Maps, Law Enforcement: Maps and related records maintained for reference and for tracking various trends. Examples include but are not limited to Neighborhood Watch Program maps, Block Home Program maps, street number location maps and books, parking meter maps, and maps plotting reported crimes in a given area. (Minimum retention: Until superseded or obsolete)

(59) Marine Enforcement Reports: Records document the marine enforcement activities of the county sheriff's department. Information includes types of waterway and watercraft violations, citations issued and other related information. (Minimum retention: (a) Annual Reports: 5 years (b) Monthly Reports: Retain until annual report created)

(60) Master Name Index Records: Records documenting information on each individual who has been field interrogated or arrested, suspects or accomplices in crimes, victims, complainants, and witnesses to incidents. Information may include name, address, date of birth, race, sex, date and time of incident or contact, incident number, and related data. (Minimum retention: Until superseded or obsolete)

(61) Mug Shots: Photographs and negatives of arrested individuals used for identification and apprehension of suspects in criminal investigations. Mug shots of individuals known to be dead need not be retained. (Minimum retention: (a) Retain homicides: 20 years (b) Retain felonies: 10 years (c) Retain misdemeanors: 5 years)

(62) Neighborhood Dispute Resolution Records: Records documenting a county's dispute resolution program to handle complaints by citizens about concerns or disputes with neighbors or merchants. Typical cases may include animal control, landlord/tenant issues, noise, harassment, property disputes, and business/consumer issues. Records may include budget, activity, and statistical reports, mediation training information, evaluation and intake records, service referrals, resolution agreements, and follow-up surveys. Information may include name, phone number, and address of person filing complaint, case number, date of activity, narration of request or complaint, name and address of offender, action taken, and other data. (Minimum retention: (a) Retain case records 5 years after last action (b) Retain other records 2 years)

(63) Officer Notes: Notes written by officers during the course of a shift containing information which may or may not be included in an official report. May pertain to contacts, incidents, unusual circumstances, and other subjects. Useful for referral in writing reports and testifying in court. Information includes names, dates, times, vehicles, activities, locations, and related data. Note: Officer notes recorded on handheld electronic organizers (e.g. Palm Pilots) are public records under ORS 192. Information on electronic organizers is subject to the same retention as the paper record unless the information is kept in another format for the duration of the retention period. (Minimum retention: 2 years)

(64) Officer Weapon Registration Records: Records documenting weapons assigned to law enforcement officers. Information includes officer's name, and the make, model, serial number, and caliber of the weapon. (Minimum retention: Until superseded or obsolete)

(65) Patrol Car Camera Videotapes: Records document patrol activities. Patrol officers may manually activate cameras when calls come in or cameras may automatically activate upon rapid vehicle acceleration or deceleration. (Minimum retention: (a) Retain tapes used as evidence until case reaches final disposition (b) Retain tapes used for internal investigations until investigation ends (c) Retain all other tapes 30 days)

(66) Pawn Broker and Second Hand Dealer Reports: Reports submitted to the department documenting merchandise bought and sold by dealers. Useful in tracing stolen items. Information includes name, address, identification, and personal description of pledgor, as well as the date, dealer's name, and description of article. (Minimum retention: 2 years)

(67) Peer Court Records: Records documenting the peer court system where youths who have committed certain first time misdemeanors or violations are judged through a court system of their peers (aged 12-17 years). Records may include policy and procedures manuals, budget, activity and

statistical reports, guidelines and instructions for participants, applications to participate in the program, juvenile consent form, intake interview form, defendant questionnaire, summary report, attorney's analysis, jury verdict record, bailiff record, clerk's record, community service log, judge's notes, officer's status reports, defendant evaluation, parent evaluation, and related documentation. SEE ALSO Policy and Procedure Manuals and Guidelines in the Administrative section. (Minimum retention: (a) Case records: 5 years after final disposition of case, or youth reaches age of majority, whichever is longer (b) Participant guidelines and instructions: Until superseded or obsolete (c) Other records: 2 years)

(68) Photo Identification Records: Photographs and other records used to identify agency employees, private security personnel, contract workers, and others. May include photographs taken for agency identification cards, driver's license photographs, and information such as name, date of birth, physical description, identification number, driver's license number, and other data. (Minimum retention: Until superseded or obsolete)

(69) Photo Radar Records: Records documenting traffic infractions by drivers that have been photographed by the county sheriff's photo radar equipment. Records may include photographic negatives and prints, copies of citations, copies of drivers' licenses, forms to dismiss, logs, and related documentation. (Minimum retention: (a) Retain photo radar citations issued and logs: 2 years (b) Retain photo radar citations not issued 30 days)

(70) Polygraph Records: Records documenting polygraph tests given to criminal suspects, prospective employees and others. Includes pre-examination records, examination questions for individuals interviewed, statements of consent, polygraph analysis reports, examiner's original test questions, examination chart tracing reports, polygraph results charts, conclusions, interviewee statements, and background information. (Minimum retention: (a) Retain cases involving crimes with no statute of limitations 75 years (b) Retain all other cases 1 year after statute of limitations expires)

(71) Property and Evidence Control and Disposition Records: Records used to track property and evidence coming into department possession. Documents receipt, storage, and disposition of personal property and physical evidence from defendants, victims, and others. May include evidence photographs documenting crime scenes, accidents, and other incidents. Records often include receipt forms, evidence control sheets, property reports, destruction lists, property consignment sheets, seized firearm logs, homicide evidence inventories, and other documents. Information usually includes case number, tag number, date and time, property or evidence description, storage location, release date, and other data. (Minimum retention: (a) Retain cases involving crimes with no statute of limitations 75 years (b) Retain all other cases 1 year after statute of limitations expires)

(72) Property Registration Records: Records documenting the registration of property for identification in case of theft, loss, or burglary. Property includes but is not limited to bicycles, televisions, cameras, stereos, and guns. Information may include name, address, and phone number of owner, date, description of property, serial number, and related data. (Minimum retention: Until registration is expired, superseded or obsolete)

(73) Property Sales/Deed Records: Documents sale and conveyance of real and personal property by the enforcement agency. May include certificates of levy, notices of sale, publication proofs, mailing receipts, copy of judgment and execution, certificate of sale, return of service, and copy of deed issued. (Minimum retention: 6 years)

(74) Scene Reconstruction Visuals: Exhibits and other visual aids created for use in court. Crime scenes were reconstructed and photographed in order to visually present information. (Minimum retention: (a) Retain cases involving crimes with no statute of limitations: Retain 75 years after case closure (b) Retain all other cases: Retain 1 year after statute of limitations expires)

(75) Subpoenas: Records document subpoenas issued to law enforcement personnel to appear in court for the purpose of testifying. Information contains date of issuance, date requested, and location. (Minimum retention: Until court appearance)

(76) Surveillance Tapes: Records documenting the routine monitoring of courts and other facilities through the use of video recordings. These recordings contain daily footage of activities in the courthouse or other county facilities and may also serve as evidence in criminal proceedings. (Minimum retention: (a) Retain tapes used as evidence: until case reaches final disposition (b) Retain tapes used for internal investigations: until investigation ends (c) Retain all other tapes: 30 days)

(77) Teletype Messages: Incoming and outgoing teletype messages concerning a variety of subjects of interest to the department. Subjects include incidents, meetings, arrests, warrant confirmation and others. Information includes date, time, originating agency, and text. (Minimum retention: (a) Retain messages of interest to law enforcement agency not

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warranting inclusion in INCIDENT CASE FILES or other record series: 1 year (b) Retain all other messages: Until read)

(78) Towed Vehicle Records: Rotation lists and related records documenting tow truck requests and responses. Information usually includes date, name of requestor, name of towing company called, location, and other data. Records may also include documentation of vehicles towed from private property at the request of citizens. This information is used to prevent towed vehicles from being reported as stolen. (Minimum retention: 1 year)

(79) Traffic, Transit and Other Citation Logs: Logs listing various information related to citations issued by the department. Usually includes type of citation, ticket number, name of violator, date of issue, and officer's name. (Minimum retention: 1 year)

(80) Traffic, Transit and Other Citations: Department copies of citations issued for traffic, transit, motor vehicle, and other violations. Includes Uniform Traffic Citations, parking citations, and others. Information includes city and county, date and time, name and address, date of birth, sex, occupation, license number, state, year, make and model of vehicle, location of violation, law allegedly violated, conditions, name of officer issuing citation, and related data. (Minimum retention: 2 years)

(81) Traffic, Transit Violation Warning Records: Series documents warnings issued for alleged traffic, transit and other minor offenses. Records are often used to identify repeat offenders and support follow-up investigations. Information includes date, time, category, name, address, phone number, date of birth, race, sex, hair and eye color, height, weight, drivers license number, make and model of vehicle, location of violation, description of violation, signatures, and related data. (Minimum retention: 1 year)

(82) Transportation of Prisoner Records: Records documenting the movement of prisoners from one place to another. Includes times, dates, employee in charge, prisoners transported, locations where prisoners were transported, etc. (Minimum retention: 3 years)

(83) Used Firearm Transfer Records: Records document the sale or transfer of a firearm. Information includes business name and address, individual purchasing or trading firearm, time and date of transaction, firearm description, including serial number, caliber, form of identification presented by the seller/trader, and dealer and seller/trader signatures and phone numbers. (Minimum retention: 1 year)

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005–192.170 & 357.805–357.895

Hist.: OSA 6-2004, f. & cert. ef. 11-15-04; OSA 3-2012, f. & cert. ef. 10-29-12; OSA 1-2014, f. & cert. ef. 2-25-14

166-150-0210

Treasurer/Controller

(1) Bancroft Bond Records: Documents long-term property owner financing of assessments levied for county improvements. May include applications for installment financing, receipts of payment of property assessment, and foreclosure records. (Minimum retention: (a) Bond Receipts: 2 years (b) All other records: two years after final payment, redemption, sale, or action)

(2) Bank Transaction Records: Records documenting the current status and transaction activity of agency funds held at banks. May include account statements, deposit and withdrawal slips, checks, and related records. Information includes bank and account numbers, transaction dates, beginning balance, check or deposit amount, document numbers, adjustments, description of transaction, ending balance, and related data. SEE ALSO the Financial Records section. (Minimum retention: 3 years)

(3) Bond Expenditure Reports: Records documenting all information relating to the expenditures of bond proceeds, including the bond principle and interest. Also includes earning process of investments, checks issued and related information. SEE ALSO the Financial Records section. (Minimum Retention: 3 years)

(4) Bonds and Coupons, Paid: Records documenting paid bonds and coupons issued for capital improvements financed by property tax levies, special assessments, and utilities user payments. Debt types include general obligation, special assessment, water and sewer, tax allocation, and others. The paid (canceled or redeemed) bonds and coupons are received from paying agents and include bond number, maturity date, series number, interest payable date, dollar amount, sale conditions, and related information. Series includes related information contained in official transcripts. SEE ALSO the Financial Records section. (Minimum retention: 3 years)

(5) Bonds Issued Registers: Registers or similar records documenting all agency bond issues and related information. Useful for ensuring accurate information about the overall indebtedness of the agency. Information often includes bond number, date paid, place of payment, maturity date,

date registered, and related data. SEE ALSO the Financial Records section. (Minimum retention: 3 years after final payment)

(6) Investment Records: Records documenting and tracking various investments made by the agency. Often contains bank statements documenting investment information, journal entries, confirmations of purchase of U.S. Treasury Bills, confirmations of deposit in local investment pool, and deposit slips, correspondence, and memoranda related to specific investments. SEE ALSO the Financial Records section. (Minimum retention: 3 years)

(7) Revenue Sharing Records: Evidence of receipt and administration of federal and/or state revenue sharing funds including those from state liquor and cigarette taxes. Used to track how funds are spent, for budgeting future funds and for other uses. May include transmittals, affidavits of publication, planned and actual use reports, supporting documentation used to qualify for revenue sharing funds, and related records. (Minimum retention: 3 years)

(8) Tax Turnover Records: Documents amounts paid to each taxing district based on the Tax Collection and Distribution schedule calculated by the Tax Collector. Includes date of distribution, district name, and amount distributed. May also include percentage of collection and distribution, year of tax, and adjustments. SEE the Financial Records section.

(9) Trust Fund Records: Records documenting bequests to the agency or funds held in trust by the agency for specific parties. Used to determine trust fund spending for reporting to trustees. May include wills, other legal documents, expenditure records, chronologies, resolutions establishing trust funds by the agency, records documenting subject matter approved for purchase, acquisition lists, and related records. Some records may have historic value. SEE ALSO the Financial Records section. (Minimum retention: Records not duplicated elsewhere in agency records: 3 years after trust fund closed)

Stat. Auth.: ORS 192 & 357

Stats. Implemented: ORS 192.005–192.170 & 357.805–357.895

Hist.: OSA 4-2004, f. & cert. ef. 9-1-04; OSA 1-2014, f. & cert. ef. 2-25-14

Secretary of State, Business Services Division Chapter 167

Rule Caption: Revising the Secretary of State's procurement rules.
Adm. Order No.: BSD 1-2014

Filed with Sec. of State: 2-28-2014

Certified to be Effective: 3-1-14

Notice Publication Date: 2-1-2014

Rules Amended: 167-001-0007, 167-001-0020, 167-001-0030, 167-001-0081, 167-001-0300, 167-001-0360, 167-001-0600, 167-001-0620, 167-001-0635

Rules Repealed: 167-001-0040, 167-001-0050, 167-001-0060, 167-001-0065, 167-001-0070, 167-001-0085, 167-001-0625

Subject: Legislative action, rule clarification, and streamlining the Secretary of State's procurement rules by repealing rules duplicated in the Department of Justice model rules.

Rules Coordinator: Sarah Roth—(503) 986-2357

167-001-0007

Application of Rules

These OAR chapter 167, division 001 rules apply to public contracts of the Secretary of State first advertised, but if not advertised then entered into, on or after March 1, 2014.

Stat. Auth.: ORS 279A.065 & 279A.070

Stats. Implemented: ORS 279A.020, 279A.030 & 279A.065

Hist.: BSD 1-2005(Temp), f. 2-25-05, cert. ef. 3-1-05 thru 8-28-05; BSD 2-2005, f. & cert. ef. 6-15-05; BSD 1-2010, f. & cert. ef. 7-7-10; BSD 1-2014, f. 2-28-14, cert. ef. 3-1-14

167-001-0020

Purpose

The Divisions of the Oregon Secretary of State (Secretary) occasionally require the services of an outside party to accomplish all or part of a project. The Secretary intends that the Attorney General's Model Public Contracting Rules, Chapter 137, will govern all Secretary of State public contracting. It is the intent of the Secretary that these Model Rules will be accepted by default in accordance with the provisions of ORS 279A.065(4). These rules supplement and do not replace the Attorney General's Model Public Contract Rules.

Stat. Auth.: ORS 279A.065

Stats. Implemented: ORS 279A.065

Hist.: SS 3-1992, f. & cert. ef. 10-13-92; BSD 1-2005(Temp), f. 2-25-05, cert. ef. 3-1-05 thru 8-28-05; BSD 2-2005, f. & cert. ef. 6-15-05; BSD 1-2014, f. 2-28-14, cert. ef. 3-1-14

ADMINISTRATIVE RULES

167-001-0030

Basic Policy

The Secretary will contract for services when the specialized skills, knowledge or resources are not available within the Secretary of State's office; when the work cannot be done in a reasonable time with the Secretary's own work force; when it will be less expensive to contract for the work; or when an independent and impartial evaluation of a situation by recognized professionals is required. Contracts will be granted only after approval of the Secretary or his/her designee.

Stat. Auth.: ORS 279A.065 & 279A.070

Stats. Implemented: ORS 279A.015

Hist.: SS 3-1992, f. & cert. ef. 10-13-92; BSD 1-2005(Temp), f. 2-25-05, cert. ef. 3-1-05 thru 8-28-05; BSD 2-2005, f. & cert. ef. 6-15-05; BSD 1-2010, f. & cert. ef. 7-7-10; BSD 1-2014, f. 2-28-14, cert. ef. 3-1-14

167-001-0081

Reinstatement of Expired Contracts

The Secretary of State, Business Services Division Chief Procurement Officer may approve reinstatement of an expired Contract if the following conditions are met:

(1) Failure to renew or extend the Contract would prevent the Secretary from carrying out the duties of the Secretary;

(2) Written request for reinstatement is submitted to the Business Services Division Chief Procurement Officer for approval within a reasonable time after the expiration of the original contract;

(3) A written statement justifying the Contractor's completion of the work after expiration of the contract, there is no change in the Statement of Work, and either:

(a) The reinstatement is exclusively for the purpose of permitting completion of the work or services for no additional compensation; or

(b) When services are of a continuing or repetitive nature which are compensated at an hourly, daily or similar periodic rate, the reinstatement either:

(A) Does not increase the rate of compensation; or

(B) Does not increase the rate of compensation so as to exceed the rate of the increase determined by comparing the Portland, Oregon Metropolitan Area Consumer Price Index (all items) published immediately prior to the date the original contract was established with the same Index published immediately prior to the date of the reinstatement and extension.

(4) When a Contract is reinstated pursuant to this section, the Secretary may compensate the Contractor, at the rate of compensation established in the original contract, for work performed in the interim between the expiration of the original contract and the execution and approval(s) of the extension or amendment.

(5) This rule authorizes only one reinstatement of a Contract.

(6) No reinstatement of a Contract shall modify the original contract except with respect to the time for performance.

(7) If the reinstatement of a Contract pursuant to this rule raises the aggregate amount of compensation to a level that requires Attorney General approval under ORS 291.045 and 291.047, the Secretary shall obtain such approval or ratification before the extension becomes binding and before any services may be performed under the reinstated contract.

Stat. Auth.: ORS 279A.065 & 279A.070

Stats. Implemented: ORS 279A.050, 279A.065, 279A.070 & 279A.140

Hist.: BSD 1-2005(Temp), f. 2-25-05, cert. ef. 3-1-05 thru 8-28-05; BSD 2-2005, f. & cert. ef. 6-15-05; BSD 1-2010, f. & cert. ef. 7-7-10; BSD 1-2014, f. 2-28-14, cert. ef. 3-1-14

167-001-0300

Electronic Public Notice

The Secretary may publish the advertisement (notice) for Offers on the Department of Administrative Services ORPIN Electronic Procurement System, or subsequent system, instead of publishing notice in a newspaper of general circulation as required by ORS 279B.055(4)(b). In addition, the Secretary may publish the advertisement on the Secretary's web-page.

Stat. Auth.: ORS 279A.065 & 279A.070

Stats. Implemented: ORS 279A.065, 279A.070 & 279B.055

Hist.: BSD 1-2005(Temp), f. 2-25-05, cert. ef. 3-1-05 thru 8-28-05; BSD 2-2005, f. & cert. ef. 6-15-05; BSD 1-2014, f. 2-28-14, cert. ef. 3-1-14

167-001-0360

Purchases Through Federal Programs

(1) The Secretary may purchase supplies and services under the Federal Programs identified in ORS 279A.180, without competitive sealed bidding, competitive sealed proposals or other competition required under ORS 279B.050 to 279B.085, provided that the Secretary has federal authorization to purchase through the program.

(2) To purchase through a Federal Program, the Secretary must document in its contract file that:

(a) The acquisition meets the Secretary's requirements;

(b) The price and other terms of the acquisition are advantageous to the Secretary;

(c) No other DAS price agreement for the supply or services exists, based upon the Secretary's review of the contracts on ORPIN;

(d) Preference programs, including but not limited to the Inmate Work Program of ORS 279A.025(2)(i);

(e) The Secretary may add to its contract such contract terms and conditions as are required by State statute or rules, if such additions do not conflict with the Federal Program's contract terms and conditions, including but not limited to prompt payment requirements, additional commercial terms, and conflict resolution.

Stat. Auth.: ORS 279A.065 & 279A.070

Stats. Implemented: ORS 279A.180

Hist.: BSD 1-2005(Temp), f. 2-25-05, cert. ef. 3-1-05 thru 8-28-05; BSD 2-2005, f. & cert. ef. 6-15-05; BSD 1-2010, f. & cert. ef. 7-7-10; BSD 1-2014, f. 2-28-14, cert. ef. 3-1-14

167-001-0600

Policy

(1) These rules supplement and do not replace ORS 244.010 through ORS 244.400, for the purpose of applying the policy of ORS 244.010 to Oregon Secretary of State (Secretary) public contracting under the Public Contracting Code and related rules. The Secretary's public contracting is a public trust. The Secretary and contractors involved in public contracting must safeguard this public trust.

(2) The Secretary will conduct business with competence, integrity, and dignity. The Secretary will pursue the maximum value of each public dollar spent while complying with all public contracting statutes, rules, and regulations. The Secretary will grant all competitive bidders fair consideration, to regard each transaction on its own merits; to foster and promote fair, ethical, and legal trade practices. The Secretary will prompt courteous reception to all who want to conduct legitimate business with the State of Oregon.

Stat. Auth.: ORS 279A.065(5)(a) & 279A.070

Stats. Implemented: ORS 279A.065(5)(a), 279A.070 & 279A.140

Hist.: BSD 1-2005(Temp), f. 2-25-05, cert. ef. 3-1-05 thru 8-28-05; BSD 2-2005, f. & cert. ef. 6-15-05; BSD 1-2014, f. 2-28-14, cert. ef. 3-1-14

167-001-0620

Specifications

Secretary staff and providers may not develop specifications that primarily benefit only one provider, directly or indirectly.

Stat. Auth.: ORS 279A.065(5)(a) & 279A.070

Stats. Implemented: ORS 279A.065(5)(a), 279A.070 & 279A.140

Hist.: BSD 1-2005(Temp), f. 2-25-05, cert. ef. 3-1-05 thru 8-28-05; BSD 2-2005, f. & cert. ef. 6-15-05; BSD 1-2014, f. 2-28-14, cert. ef. 3-1-14

167-001-0635

Agency and Provider Communications

(1) Secretary staff are encouraged to freely conduct market research in support of a procurement. This research includes but is not limited to: meetings, industry presentations, and demonstrations with any providers that may be able to meet a need for an approved procurement. Secretary staff are encouraged to meet with providers whose products or services can meet the Secretary's needs and to document the items discussed during the market research phase of Solicitation development. The research phase shall end prior to a release of a solicitation or a request for quote, unless the solicitation provides for a different process that permits on-going research.

(2) Any communication between Secretary and providers after the solicitation release or request for a quote must only be facilitated by the purchasing staff and within the context of the solicitation document requirements, which may allow for discussions, negotiations, and addenda. Secretary purchasing staff are encouraged to respond to written inquiries by addenda or letter in a timely manner.

Stat. Auth.: ORS 279A.065(5)(a) & 279A.070

Stats. Implemented: ORS 279A.065(5)(a), 279A.070 & 279A.140

Hist.: BSD 1-2005(Temp), f. 2-25-05, cert. ef. 3-1-05 thru 8-28-05; BSD 2-2005, f. & cert. ef. 6-15-05; BSD 1-2014, f. 2-28-14, cert. ef. 3-1-14

Secretary of State,
Corporation Division
Chapter 160

Rule Caption: Notary Public

Adm. Order No.: CORP 2-2014

Filed with Sec. of State: 3-4-2014

Certified to be Effective: 3-6-14

ADMINISTRATIVE RULES

Notice Publication Date: 2-1-2014

Rules Amended: 160-100-0000

Subject: Defines the “practice” qualification for non-resident notary public commission applicants.

Rules Coordinator: Tom Wrosch—(503) 986-0511

160-100-0000

Definitions

As used in chapter 219, Oregon Laws 2013, and OAR 160-100-0000 to 160-100-0700:

(1) “Public Records Address” shall mean postal or street address.

(2) “Days” means calendar days.

(3) “Electronic notarial signature” means the electronic signature, as defined in section 2, ch. 219, Oregon Laws 2013, used by the notary to officially sign electronic records.

(4) “Notary,” as used in these rules, means “notary public.”

(5) “Oath of Office” in accordance with section 20, chapter 219, Oregon Laws 2013, a notary public shall keep on file an Oath of Office with the Secretary of State, affirming the notary’s intent to follow the laws and constitutions of the United States of America and the State of Oregon.

(6) “Official Misconduct” means the grounds to deny, revoke, suspend, or condition the commission of a notary public, as stated in section 22, chapter 219, Oregon Laws 2013.

(7) “Official Stamp” or “Official Notary Stamp” means a physical image affixed to a tangible record that can be legibly reproduced by a photographic method, and that meets the description of OAR 160-100-0100; or information required under 160-100-0100(3) that is attached to or logically associated with an electronic record. An official stamp does not include a stamping device, as defined in section 2, chapter 219, Oregon Laws 2013.

(8) “Practice,” for the purpose of Sec. 20, ch. 219, OL 2013, means conducting a course of repeated notarizations in Oregon beyond a 30 day period.

(9) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(10) “Secretary of State” means the Corporation Division of the Secretary of State’s office.

(11) “Venue” shall include both the jurisdiction of the Oregon notary public and the county in which the notarial act was performed.

Stat. Auth.: ORS 194.360

Stats. Implemented: ORS 194.315

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0000; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13; CORP 2-2014, f. 3-4-14, cert. ef. 3-6-14

Secretary of State, Elections Division Chapter 165

Rule Caption: Adopts 2014 voters’ pamphlet manual incorporating existing rules from division 16 and existing manuals.

Adm. Order No.: ELECT 9-2014

Filed with Sec. of State: 3-11-2014

Certified to be Effective: 3-11-14

Notice Publication Date: 1-1-2014

Rules Adopted: 165-016-0000

Rules Repealed: 165-016-0040, 165-016-0045, 165-016-0050, 165-016-0055, 165-016-0060, 165-016-0070, 165-016-0080, 165-016-0100, 165-016-0105

Subject: This rule adopts the 2014 Voters’ Pamphlet Manual and associated forms as the procedures and forms for submitting candidate statements, measure arguments, statements of arguments by any political party or assembly of electors, arguments in support of a legislative referral, explanatory statements, financial estimates and statements, statements prepared by the Legislative Counsel Committee under ORS 251.225 and county or metropolitan service district measures submitted under ORS 251.285. These rules set forth the process by which statements, photos, or arguments must be filed as well as the order in which they will appear in the state voters’ pamphlet, allowable formatting and provides a process for contacting statement or argument filers regarding required revisions.

Rules Coordinator: Brenda Bayes—(503) 986-1518

165-016-0000

Designating the State Voters’ Pamphlet Manual and Forms

The Secretary of State designates the 2014 State Voters’ Pamphlet Manual and associated forms as the procedures and forms to be used to submit candidate statements, measure arguments, statements of arguments by any political party or assembly of electors, arguments in support of a legislative referral, explanatory statements, financial estimates and statements, statements prepared by the Legislative Counsel Committee under ORS 251.225 and county or metropolitan service district measures submitted under ORS 251.285.

Stat. Auth.: ORS 246.150, 251.014, 251.065, 251.075, 251.255

Stats. Implemented: ORS 251.046, 251.065, 251.075, 251.085, 251.087 & 251.095, 251.115, 251.255, 251.285

Hist.: ELECT 9-2014, f. & cert. ef. 3-11-14

Teacher Standards and Practices Commission Chapter 584

Rule Caption: Adopts and amends licensure rules related to professional educators.

Adm. Order No.: TSPC 1-2014(Temp)

Filed with Sec. of State: 3-15-2014

Certified to be Effective: 3-15-14 thru 9-10-14

Notice Publication Date:

Rules Adopted: 584-023-0030, 584-060-0525, 584-060-0530

Rules Amended: 584-023-0005, 584-070-0012, 584-080-0008, 584-100-0061, 584-100-0066, 584-100-0071

Subject: 584-060-0525 — Renames terms and add features to Professional Teaching License;

584-060-0530 — Distinguished Teaching License for Teacher Leaders Requirements;

584-023-0005 — Clarifies registry rules for Charter School Teachers;

584-023-0030 — Housekeeping on registry rules for Charter School Administrators;

584-070-0012 — Initial School Counselor License;

584-080-0008 — Adds Charter School Registry to Scope of Administrator Licenses and Registrations;

584-100-0061 — Adds Charter Schools to Special Education Teachers requirements;

584-100-0066 — Adds Charter Schools to Highly Qualified Elementary Special Education Teacher (K-8);

584-100-0071 — Adds Charter Schools to Highly Qualified Secondary Special Education Teacher (9-12).

Rules Coordinator: Victoria Chamberlain—(503) 378-6813

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 teacher (See, OAR 584-100);

ADMINISTRATIVE RULES

(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 584-100); 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 full 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;

(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. 12-15-10, 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

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

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 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 584-090.

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

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)(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.

ADMINISTRATIVE RULES

(6) The Distinguished Teaching License may be renewed upon completion of continuing professional development requirements in accordance with OAR 584-090 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

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;

(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 (8) 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

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

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

ADMINISTRATIVE RULES

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

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

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

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Rule Caption: Adopts and amends licensure, program approval rules, and professional conduct rules for professional educators.

Adm. Order No.: TSPC 2-2014

Filed with Sec. of State: 3-15-2014

Certified to be Effective: 3-15-14

Notice Publication Date: 3-1-2014

Rules Adopted: 584-066-0015

Rules Amended: 584-018-0125, 584-020-0040, 584-036-0070, 584-050-0030, 584-050-0060, 584-050-0066, 584-060-0012, 584-060-0013, 584-060-0014, 584-060-0051, 584-060-0052, 584-060-0200, 584-070-0211, 584-070-0271, 584-080-0012, 584-080-0022

Subject: Removes multiple subjects tests for middle school grade authorizations; removes obsolete and incorrect language; changes term from “continuing” to professional”; establishes Military Spouse expedited service; updates professional practices rules with

new statutes; amends professional conduct standards; allows accredited master’s degree in lieu of an unaccredited bachelor’s degree; changes requirements for certain licenses; clarifies requirements for American Indian Language;

Rules Coordinator: Victoria Chamberlain — (503) 378-6813

584-018-0125

Middle Level Authorization

The unit assures that candidates for a Middle Level authorization demonstrate knowledge, skills, and competencies in the middle level setting.

(1) Candidates document understanding and apply knowledge of developmental psychology and learning, appropriate to students in middle level education within the cultural and community context of the teacher education institution and cooperating school districts.

(2) Candidates articulate and apply a philosophy of education which is appropriate to the students in middle level education and which ensures that students learn to think critically and integrate subject matter across disciplines.

(3) Candidates document in-depth knowledge of one subject matter or specialty endorsement appropriate to middle level teaching assignments by one or more of the following:

(a) Completing a college major in the subject matter or specialty endorsement;

(b) Passing the required Commission-approved test or tests, in the subject or specialty;

(c) Passing the optional Commission-approved test in middle school Language Arts, Math, Social Studies or Science; or

(d) Presenting evidence satisfactory to the Commission of specialized education.

(4) Candidates who hold the multiple-subjects endorsement may add subject-matter endorsements to the Initial I, Initial II, or Professional Teaching Licenses with middle-level authorizations by:

(a) Passing the high school level subject-mastery test, including Basic Math. These endorsements authorize the candidate to teach the subjects through grade 12 so long as the candidate also holds the high school authorization; or

(b) Passing the middle school optional Commission-approved test in Language Arts, Social Studies or Science. These endorsements are only valid to teach the subject up through grade 9 in an elementary, middle or junior high school regardless if the candidate holds a high school authorization.

(5) Candidates who do not have the multiple-subjects endorsement, but hold middle-level authorizations in art; English for Speakers of Other Languages (ESOL); bilingual education/ESOL; music, physical education, adaptive physical education; reading or any special education area may add an endorsement by:

(a) Passing the Commission-approved test or tests, including the middle school tests in Language Arts, Social Studies or Science in the subject-matter endorsement; and

(b) Completing one of the following practical experiences in grades 5–9:

(A) A field or clinical experience of 2 semester hours or 3 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 one year 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 on a License for Conditional Assignment; or

(C) Five years of experience teaching the subject area in a public school or regionally accredited private school within a U.S. jurisdiction on a license appropriate for the assignment before holding any Oregon license.

(6) Candidates complete student teaching or internship with students in grades 5–9 in an elementary, middle, or junior high school. A field or clinical experience may substitute for student teaching if this is an additional authorization on an Initial or Professional Teaching License.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120–342.430, 342.455–342.495 & 342.553

Hist.: TSPC 3-2012, f. & cert. ef. 3-9-12; TSPC 4-2013(Temp), f. & cert. ef. 11-14-13 thru 5-13-14; TSPC 2-2014, f. & cert. ef. 3-15-14

584-020-0040

Grounds for Disciplinary Action

(1) The Commission will deny, revoke or deny the right to apply for a license or charter school registration to any applicant or educator who, has

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been convicted of any of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if convicted in another jurisdiction or convicted of attempt to commit such crimes as defined in 161.405. Evaluation of substantially equivalent crimes or attempts to commit crimes will be based on Oregon laws in effect at the time of the conviction, regardless of the jurisdiction in which the conviction occurred. The crimes listed in 342.143 are:

- (a) ORS 163.095 — Aggravated Murder;
- (b) ORS 163.115 — Murder;
- (c) ORS 163.185 — Assault in the First Degree;
- (d) ORS 163.235 — Kidnapping in the First Degree;
- (e) ORS 163.355 — Rape in the Third Degree;
- (f) ORS 163.365 — Rape in the Second Degree;
- (g) ORS 163.375 — Rape in the First Degree;
- (h) ORS 163.385 — Sodomy in the Third Degree;
- (i) ORS 163.395 — Sodomy in the Second Degree;
- (j) ORS 163.405 — Sodomy in the First Degree;
- (k) ORS 163.408 — Unlawful Sexual Penetration in the Second Degree;
- (l) ORS 163.411 — Unlawful Sexual Penetration in the First Degree;
- (m) ORS 163.415 — Sexual Abuse in the Third Degree;
- (n) ORS 163.425 — Sexual Abuse in the Second Degree;
- (o) ORS 163.427 — Sexual Abuse in the First Degree;
- (p) ORS 163.432 — Online Sexual Corruption of a Child in the Second Degree;
- (q) ORS 163.433 — Online Sexual Corruption of a Child in the First Degree;
- (r) ORS 163.435 — Contributing to the Sexual Delinquency of a Minor;
- (s) ORS 163.445 — Sexual Misconduct;
- (t) ORS 163.465 — Public Indecency;
- (u) ORS 163.515 — Bigamy;
- (v) ORS 163.525 — Incest;
- (w) ORS 163.547 — Child Neglect in the First Degree;
- (x) ORS 163.575 — Endangering the Welfare of a Minor;
- (y) ORS 163.670 — Using Child in Display of Sexually Explicit Conduct;
- (z) ORS 163.675 — Sale or Exhibition of Visual Reproduction of Sexual Conduct by a Child;
- (aa) ORS 163.680 — Paying for Viewing Sexual Conduct Involving a Child;
- (bb) ORS 163.684 — Encouraging Child Sexual Abuse in the First Degree;
- (cc) ORS 163.686 — Encouraging Child Sexual Abuse in the Second Degree;
- (dd) ORS 163.687 — Encouraging Child Sexual Abuse in the Third Degree;
- (ee) ORS 163.688 — Possession of Materials Depicting Sexually Explicit Conduct of a Child in the First Degree;
- (ff) ORS 163.689 — Possession of Materials Depicting Sexually Explicit Conduct of a Child in the Second Degree;
- (gg) ORS 164.325 — Arson in the First Degree;
- (hh) ORS 164.415 — Robbery in the First Degree;
- (ii) ORS 166.005 — Treason;
- (jj) ORS 166.087 — Abuse of a Corpse in the First Degree;
- (kk) ORS 167.007 — Prostitution;
- (ll) ORS 167.008 — Patronizing a prostitute;
- (mm) ORS 167.012 — Promoting Prostitution;
- (nn) ORS 167.017 — Compelling Prostitution;
- (oo) ORS 167.054 — Furnishing Sexually Explicit Material to a Child;
- (pp) ORS 167.057 — Luring a Minor;
- (qq) ORS 167.062 — Sadomasochistic Abuse for Sexual Conduct in a Live Show;
- (rr) ORS 167.075 — Exhibiting an Obscene Performance to a Minor;
- (ss) ORS 167.080 — Displaying Obscene Materials to Minors;
- (tt) ORS 167.090 — Publicly Displaying Nudity or Sex for Advertising Purposes;
- (uu) ORS 475.080 — Unlawful manufacture of hydrocodone within 1,000 feet of school;
- (vv) ORS 475.810 — Unlawful delivery of hydrocodone;
- (ww) ORS 475.812 — Unlawful delivery of hydrocodone within 1,000 feet of school;
- (xx) ORS 475.818 — Unlawful manufacture of methadone within 1,000 feet of school;

- (yy) ORS 475.820 — Unlawful delivery of methadone;
 - (zz) ORS 475.822 — Unlawful delivery of methadone within 1,000 feet of school;
 - (aaa) ORS 475.828 — Unlawful manufacture of oxycodone within 1,000 feet of school;
 - (bbb) ORS 475.830 — Unlawful delivery of oxycodone;
 - (ccc) ORS 475.832 — Unlawful delivery of oxycodone within 1,000 feet of school;
 - (ddd) ORS 475.848 — Unlawful manufacture of heroin within 1,000 feet of school;
 - (eee) ORS 475.852 — Unlawful delivery of heroin within 1,000 feet of school;
 - (fff) ORS 475.858 — Unlawful manufacture of marijuana within 1,000 feet of school;
 - (ggg) ORS 475.860 — Unlawful delivery of marijuana;
 - (hhh) ORS 475.862 — Unlawful delivery of marijuana within 1,000 feet of school;
 - (iii) ORS 475.864(4) — Possession of less than 1 ounce of marijuana within 1,000 feet of school;
 - (jjj) ORS 475.868 — Unlawful manufacture of 3,4-methylenedioxyamphetamine within 1,000 feet of school;
 - (kkk) ORS 475.872 — Unlawful delivery of 3,4-methylenedioxyamphetamine within 1,000 feet of school;
 - (lll) ORS 475.878 — Unlawful manufacture of cocaine within 1,000 feet of school;
 - (mmm) ORS 475.880 — Unlawful delivery of cocaine;
 - (nnn) ORS 475.882 — Unlawful delivery of cocaine within 1,000 feet of school;
 - (ooo) ORS 475.888 — Unlawful manufacture of methamphetamine within 1,000 feet of school;
 - (ppp) ORS 475.890 — Unlawful delivery of methamphetamine;
 - (qqq) ORS 475.892 — Unlawful delivery of methamphetamine within 1,000 feet of school;
 - (rrr) ORS 475.904 — Unlawful manufacture or delivery of controlled substance within 1,000 feet of school; or
 - (sss) ORS 475.906 — Penalties for distribution to minors.
- (2) An applicant fails to meet the requirement of ORS 342.143 “good moral character” if the applicant engages in gross neglect of duty, gross unfitness, in violation of section (4) of this rule or other acts which are in violation of sections (1) or (3) of this rule.
- (3) The Commission may initiate proceedings to suspend or revoke the license or registration of an educator under ORS 342.175 or deny a license or registration to an applicant under 342.143 who:
- (a) Has been convicted of a crime not listed in section (1) of this rule, if the Commission finds that the nature of the act or acts constituting the crime for which the educator was convicted render the educator unfit to hold a license;
 - (b) Is charged with knowingly making any false statement in the application for a license or registration;
 - (c) Is charged with gross neglect of duty;
 - (d) Is charged with gross unfitness; or
 - (e) Is convicted of a crime involving the illegal use, sale or possession of controlled substances.
- (4) Gross neglect of duty is any serious and material inattention to or breach of professional responsibilities. The following may be admissible as evidence of gross neglect of duty. Consideration may include but is not limited to:
- (a) Substantial unauthorized use of: school name or financial credit; school materials or equipment for personal purposes; or school personnel to provide personal services unrelated to school business;
 - (b) Substantial unauthorized use of employment time or school resources for private purposes;
 - (c) Falsification of any document or knowing misrepresentation directly related to licensure, employment, or professional duties;
 - (d) Unreasonable physical force against students, fellow employees, or visitors to the school, except as permitted under ORS 339.250;
 - (e) Violent or destructive behavior on school premises or at a school-sponsored activity;
 - (f) Any sexual conduct with a student;
 - (g) Appearing on duty or at any district-sponsored activity while under the influence of alcohol or any controlled substance;
 - (h) Unauthorized disclosure of student records information received in confidence by the educator under ORS 40.245, (See, subsection (6), below);
 - (i) Assigning an educator in violation of licensure requirements;

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- (j) Resignation from a contract in violation of ORS 342.553,
 - (k) Violation of any order or rule of the Commission;
 - (l) Sexual harassment;
 - (m) Failure of a chief administrator to report a violation of Commission standards as required by OAR 584-020-0041;
 - (n) Substantial deviation from professional standards of competency set forth in OAR 584-020-0010 through 584-020-0030;
 - (o) Substantial deviation from professional standards of ethics set forth in OAR 584-020-0035;
 - (p) Subject to the exercise of any legal right or privilege, failure or refusal by an educator under investigation to respond to requests for information, to furnish documents or to participate in interviews with a Commission representative relating to a Commission investigation;
 - (q) Unauthorized use of school electronic equipment to receive, store, produce or send sexually explicit materials;
 - (r) Working without a license; or
 - (s) Failing to report child abuse pursuant to ORS 419B.010.
- (5) Gross unfitness is any conduct which renders an educator unqualified to perform his or her professional responsibilities. Conduct constituting gross unfitness may include conduct occurring outside of school hours or off school premises when such conduct bears a demonstrable relationship to the educator's ability to fulfill professional responsibilities effectively. The following may be admissible as evidence of gross unfitness. Consideration may include but is not limited to:

- (a) Revocation, suspension or denial of a license by another state for reasons and through procedures that are the same as, or substantially equivalent to, those permitting similar action in Oregon;
- (b) Fraud or misrepresentation;
- (c) Conviction of violating any federal, state, or local law. A conviction includes any final judgment of conviction by a court whether as the result of guilty plea, no contest plea or any other means.
- (d) Commission of an act listed in OAR 584-020-0040(1);
- (e) Admission of or engaging in acts constituting criminal conduct, even in the absence of a conviction; or
- (f) Violation of a term of probation imposed by a court.
- (6) In any proceeding brought under subsection (4)(h) of this rule, the Commission may not impose a sanction more severe than a suspension of the educator's license.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.143 & 342.175 - 342.190
Hist.: TS 5-1983, f. & ef. 7-21-83; TS 7-1986, f. 10-15-86, ef. 1-15-87; TS 2-1988, f. & cert. ef. 4-7-88; TS 7-1989, f. & cert. ef. 12-13-89; TS 1-1992, f. & cert. ef. 1-15-92; TS 4-1993, f. & cert. ef. 9-29-93; TS 5-1996, f. & cert. ef. 9-24-96; TS 4-1997, f. 9-25-97, cert. ef. 10-4-97; TSPC 8-1998 f. & cert. ef. 12-9-98; TSPC 5-1999(Temp), f. & cert. ef. 8-24-99 thru 2-19-00; TSPC 6-1999(Temp), f. & cert. ef. 9-20-99 thru 3-17-00; TSPC 7-1999, f. & cert. ef. 10-8-99; TSPC 9-1999, f. & cert. ef. 11-22-99; TSPC 4-2000, f. & cert. ef. 7-17-00; TSPC 9-2005, f. & cert. ef. 11-15-05; TSPC 7-2007, f. & cert. ef. 12-14-07; TSPC 8-2008, f. & cert. ef. 11-13-08; TSPC 4-2010, f. & cert. ef. 7-15-10; TSPC 5-2011, f. & cert. ef. 6-15-11; TSPC 2-2014, f. & cert. ef. 3-15-14

584-036-0070

Expedited Service for Military Spouses and Emergency License

(1) Except for Military Spouse or Military Domestic Partners applicants, expedited service may only be requested for true emergencies under the following circumstances:

(a) For a District's Request for an Emergency License: An employer and an applicant may jointly request an emergency license or other eligible license by expedited service by submitting a license application, which must include the C-1 and C-3 forms, accompanied by the regular application fee and an expedited service fee pursuant to OAR 584-036-0055.

(A) A C-3 form submitted by a district is invalid until a completed application and all fees are submitted related to the emergency request.

(B) Incomplete applications are not subject to the 48 hour turn around provision in ORS 342.125.

(C) Once a completed application is received by the Commission, the license will be issued within 48 hours.

(b) Qualified applicants will be authorized to perform all duties of the position as defined on the license upon receipt of the emergency license issued by the Commission. Eligibility for the emergency license and any future licensure is conditional upon determination that all requirements for the non-emergency license have been met.

(c) For Applications from Military Spouses or Military Domestic Partners: As used in this section: A qualifying applicant for an expedited application is a military spouse or domestic partner of an active member of the Armed Forces of the United States who holds a current license from another state and has been subject to a military transfer to Oregon within the twelve months prior to the application for licensure.

(A) The applicant must submit a complete application as described by Commission rule in divisions 60, 70 or 80, including evidence of the spousal or domestic relationship, evidence of the recent military transfer, the fee for an out-of-state evaluation and a fee for expedited service.

(B) A qualifying applicant will only be eligible for an equivalent license issued by the Commission based on demonstrated competency.

(C) An applicant who has been subject to discipline in another state against any educator certificate, license or charter school registration is not eligible for licensure under this section if the conduct would bar any applicant from licensure as an educator in the state of Oregon.

(2) Situations not eligible for Emergency Licensure requests include:

(a) Renewal applications within the 120 days grace period;

(b) New Oregon Applicants eligible for Fast-Track processing pursuant to OAR 584-010-0090; or

(c) Failure to meet renewal or upgrade requirements such as required coursework or continuing professional development.

(3) The Commission may limit the number of applications from an employing district to a maximum of one hundred (100) in any two-day period.

(4) The fee to expedite an application for a military spouse is the same as the fee to expedite an application requested by a district.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.125 & 342.127
Hist.: TSPC 4-2006(Temp), f. & cert. ef. 2-3-06 thru 8-2-06; TSPC 9-2006, f. & cert. ef. 6-15-06; TSPC 4-2013(Temp), f. & cert. ef. 11-14-13 thru 5-13-14; TSPC 2-2014, f. & cert. ef. 3-15-14

584-050-0030

Serving Without Proper Licensure

(1) TSPC may deny a license if a person has served in violation of licensure assignment. Such denial shall extend either for one year from the date of application for licensure or for a period equal to the time served without licensure, whichever is less. The Executive Director may issue a notice of intent to deny the license and of opportunity for a hearing to the educator.

(2) Licensed persons must be assigned in accordance with the authorizations and endorsement(s) they hold or under provisions of the License for Conditional Assignment.

(3) Persons who serve in violation of licensure assignment rules and administrators who assign licensed persons in violation of licensure assignment rules may have such action considered as evidence of gross neglect of duty under ORS 342.175 and OAR 548-020-0040.

(4) TSPC may revoke or deny any license upon evidence that the holder or applicant knowingly made false statements to a prospective employing school district concerning the individual's licensure status or qualifications for assignment.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.175 - 342.190
Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 1-1982, f. & ef. 1-5-82; TS 1-1992, f. & cert. ef. 1-15-92; TSPC 11-2006, f. & cert. ef. 8-17-06; TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 2-2014, f. & cert. ef. 3-15-14

584-050-0060

Forfeiture for Service Without Proper Licensure

(1) Public school personnel are required by ORS Chapter 342 or the administrative rules of TSPC to hold valid licenses, registrations, or certificates appropriate to their assignments.

(2) TSPC may require a district to forfeit a portion of the State School Fund moneys due the district for each violation of licensure that takes place during a school year. The amount of forfeiture is determined by TSPC through procedures and criteria in OAR 584-050-0065 through 584-050-0067.

Stat. Auth.: ORS 342
Stats. Implemented: ORS 342.173
Hist.: TS 1-1980, f. & ef. 3-19-80; TS 1-1982, f. & ef. 1-5-82; TS 1-1992, f. & cert. ef. 1-15-92; TSPC 4-1999, f. & cert. ef. 8-2-99; TSPC 6-2002, f. & cert. ef. 10-23-02; TSPC 2-2014, f. & cert. ef. 3-15-14

584-050-0066

Criteria for Setting Amount of Forfeiture

(1) The Commission will require any district which employs a person without proper licensure to forfeit the full amount of salary paid to the person for the period of service without proper licensure unless one of the conditions stated in sections (3) through (8) of this rule exists.

(2) In determining the number of days which a teacher has served without proper licensure, the Commission will include a teacher's inservice days and will not count the 120 calendar days past the license expiration date as permitted in OAR 584-050-0040:

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(3) After consideration of the explanation of the district and any other factors deemed relevant, the Commission may determine that extraordinary circumstances justify a lesser forfeiture.

(4) No forfeiture will be assessed where the justification for employment without proper licensure is satisfactory to the Commission.

(5) A school district will be required to forfeit not more than \$1,000 of State School Funds due the district if the license has lapsed during the time of employment with the district if the holder had at the time the license expired all the qualifications necessary to renew the license.

(a) Subject to any applicable collective bargaining agreement, a district required to forfeit any State School Funds under this section is entitled to recover one-half of the amounts forfeited from the licensed personnel whose unlicensed status caused the forfeiture.

(b) Recovery may not exceed one-half of the amounts forfeited that is attributed to the particular licensed person.

(6) The maximum forfeiture for a single incident of employment without proper licensure will be \$5,000. "Single incident" means employment during a school year involving a single individual. Districts may be assessed the maximum forfeiture for each single incident of employment without proper licensure.

(7) If a License for Conditional Assignment is filed or an application for an emergency license is made, no forfeiture will be assessed for employment during the six-week reporting period.

(8)(a) No school district will be required to forfeit State School Funds solely as a result of payment for services from a private alternative education program or for the Licensure for Conditional Assignment of a teacher holding a valid Oregon teaching license in an alternative education program operated by the district.

(b) Education service districts will not be required to make payment to the State School Fund for the employment or assignments specified above.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.127, 342.135, 342.140, 342.143, 342.147, 342.165, 342.175 & 342.176

Hist.: TS 1-1982, f. & cert. ef. 1-5-82; TS 5-1989(Temp), f. & cert. ef. 10-6-89; TS 7-1989, f. & cert. ef. 12-13-89; TS 2-1990, f. 6-1-90, cert. ef. 6-14-90; TS 1-1992, f. & cert. ef. 1-15-92; TSPC 7-2007, f. & cert. ef. 12-14-07; TSPC 2-2014, f. & cert. ef. 3-15-14

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 following conditions:

(a) The progress must meet or exceed the equivalent of 3 semester hours or 4.5 quarter hours of graduate coursework germane to the license or directly germane to public school employment.

(b) The educator must qualify for an Initial II Teaching License upon expiration of ten years following the date the first Initial or Initial I Teaching License is issued.

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

584-060-0013

Initial II Teaching License Requirements

(1) Upon filing a correct and complete application in form and manner prescribed by the Commission, a qualified applicant shall be granted an Initial II Teaching License for three years.

(2) To be eligible for an Initial II Teaching License, and if the first unrestricted teaching license issued by any state was granted on the basis of a completed teacher preparation program culminating in a bachelor's degree, the applicant must:

(a) Complete a master's degree or higher 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 from a regionally accredited institution validates a non-regionally accredited bachelor's degree; or

(b) In lieu of a master's degree, a candidate must complete graduate level coursework germane to the license or directly germane to public school employment as follows:

(A) At least ten semester hours or fifteen quarter hours in subject-matter coursework; and

(B) At least ten semester hours or fifteen quarter hours in graduate-level education-related coursework; and

(C) At least ten semester hours or fifteen quarter hours in graduate-level electives.

(3) To be eligible for an Initial II Teaching License, and if the first unrestricted teaching license issued by any state was granted on the basis of a post-baccalaureate completed teacher preparation program whether the program culminates in a master's degree, the applicant must complete one of the following (a)-(c):

(a) Six semester hours or nine quarter hours of graduate level academic credit from a regionally accredited college or university, or the graduate level credit must:

(A) Be completed after the first unrestricted teaching license issued by any state has first been issued; and

(B) Be germane to the teaching license or directly germane to public school employment; and

(C) May include pedagogy, or content related to an existing endorsement or authorization, or content related to a new endorsement or authori-

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zation. (Completion of this required coursework does not guarantee completion of commission approved endorsement requirements offered by any Oregon college or university.)

(b) A commission-approved school district program determined to be equivalent to (a) above; or

(c) Any commission-approved professional assessment.

(d) In all cases, the combination of a post-baccalaureate program and the additional hours required by this subsection must be equivalent to a master's degree or 45 quarter hours or 30 semester hours.

(4) The Initial II Teaching License may be renewed repeatedly for three years upon completion of:

(a) All the requirements in either subsections (2) or (3) above; and

(b) A professional development plan in accordance with OAR 584-090.

(5) A teacher may choose to become eligible for the Professional Teaching License in lieu of obtaining the Initial II Teaching License. (See OAR 584-060-0530.)

(6) Teachers issued Initial Teaching Licenses prior to July 1, 2005 must meet the requirements of this rule prior to the expiration of ten (10) years from the date the first Initial Teaching License was issued.

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 3-2009(Temp), f. & cert. ef. 5-15-09 thru 11-11-09; TSPC 5-2009, f. & cert. ef. 10-5-09; TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 2-2014, f. & cert. ef. 3-15-14

584-060-0014

Initial Teaching License for Out-of-State Candidate First Application

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant who is applying for licensure in Oregon for the first time and has completed an out-of-state approved teacher-education program resulting in a non-provisional teaching license may be granted an Initial Teaching License for eighteen (18) months.

(2) The Initial Teaching License is valid for teaching at the grade authorization levels indicated on the out-of-state non-provisional teaching license and in one or more designated subject-matter endorsement areas indicated on the out-of-state non-provisional teaching license. The Initial Teaching License is also valid for substitute teaching at any level in any teaching subject-matter endorsement area. (See, OAR 584-060-0051 for Grade Authorization Levels on Teaching Licenses.)

(3) To be eligible for an Initial Teaching License, an out-of-state applicant must:

(a) Have never held an Oregon educator license, charter school registration, or completed an Oregon educator preparation program;

(b) Possess the personal qualifications for licensure including attainment of at least eighteen years of age and possess good moral character and mental and physical health necessary for employment as an educator;

(c) 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;

(d) Complete an initial teacher education program approved by any U.S. jurisdiction other than Oregon, or complete a foreign program evaluated as satisfactory by the Commission as evidenced by:

(A) Official transcripts; and

(B) A license valid for unrestricted full-time teaching from another state or National Association of State Directors of Teacher Education and Certification (NASDTEC) jurisdiction, including but not limited to the U.S. Department of Defense; 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) Upon expiration of the Initial Teaching License the applicant must qualify for a non-provisional Oregon Teaching License and must apply for any of the following:

(a) An Initial I Teaching License: Qualified applicants will be issued an Initial I Teaching License for 18 months plus time to the applicant's next birthday. The fee for the Initial I granted pursuant to this rule is \$50.

(b) An Initial II Teaching License: Qualified applicants will be issued an Initial II Teaching License for three years plus time to the applicant's next birthday. The fee for the Initial II Teaching License is \$100.

(c) A Professional Teaching License: Qualified applicants will be issued a Professional Teaching License for five years plus time to the applicant's next birthday. The fee for the Professional Teaching License is \$100.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.553

Hist.: TSPC 1-2007(Temp), f. & cert. ef. 3-30-07 thru 9-26-07; TSPC 5-2007, f. & cert. ef. 8-15-07; 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 5-2009, f. & cert. ef. 10-5-09; TSPC 1-2010, f. & cert. ef. 1-28-10; TSPC 3-2011, f. & cert. ef. 3-15-11; TSPC 2-2014, f. & cert. ef. 3-15-14

584-060-0051

Teaching Authorization Levels

(1) Teachers must qualify for one or more grade authorizations at the early childhood, elementary, middle or high school developmental levels.

(2) Teaching authorization levels will apply to all teaching licenses within division 60.

(3) Early Childhood Education (ECE) Authorization: The early childhood education (ECE) authorization level requires completion of an approved program including passing the commission-approved multiple subjects examination (MSE) together with completion of a practicum experience with students in grades prekindergarten (pre-k) through four (4).

(a) The ECE authorization level is valid for any multiple subjects teaching assignment, except assignments in subsection (b) below, in prekindergarten (pre-k) through grade four (4).

(b) The ECE authorization level with a multiple subjects endorsement is not valid for assignments requiring a specialization endorsement such as art, music, ESOL, ESOL/bilingual, physical education, adaptive physical education, library media, reading or special education under OAR 584-060-0071 without the accompanying specialty endorsement on the license.

(4) Elementary ELE Authorization: The elementary ELE authorization level requires completion of an approved program including passing the commission-approved multiple subjects examination (MSE) together with completion of a practicum experience with students in one or more grades between grades three (3) through eight (8).

(a) The ELE authorization level is valid for any multiple subjects teaching assignment, except assignments in subsection (b) below, in grades three (3) through eight (8).

(b) The ELE authorization level with a multiple subjects endorsement is not valid for assignments requiring specialization endorsement such as art, music, ESOL, ESOL/bilingual, physical education, adaptive physical education, library media, reading or special education under OAR 584-060-0071 without the accompanying specialty endorsement on the license.

(5) The Middle-Level (ML) Authorization: The middle-level (ML) authorization level requires completion of an approved program together with completion of a practicum experience with students in one or more grades between grades five (5) through nine (9). The placement may only be in grade nine (9) if it is located in a middle school or junior high school. Additionally, the ML authorization requires in-depth knowledge of one subject-matter or specialty endorsement appropriate to middle-level teaching assignments.

(a) The ML authorization is valid for any teaching assignment authorized by the endorsements on the license in grades five (5) through nine (9) of a school designated as an elementary, middle, or junior high school.

(b) The ML authorization level with a multiple subjects endorsement is not valid for assignments requiring specialization endorsement such as art, music, ESOL, ESOL/bilingual, physical education, adaptive physical education, library media, reading or special education under OAR 584-060-0071 without the accompanying specialty endorsement on the license.

(6) The high school (HS) authorization level requires completion of an approved program and qualification for at least one subject-matter endorsement appropriate to secondary schools by passing the required Commission-approved test or tests of subject mastery in the endorsement area, together with completion of a practicum experience with students in one or more grades between grades nine (9) through twelve (12). The high school (HS) authorization is valid for teaching one or more integrated or departmentalized subjects, with which the license must be endorsed, in grades seven (7) through twelve (12) in a school designated as a high school.

(a) The Early Childhood Education/Elementary (ECE/ELE) authorization represents the merger of two grade authorization levels and requires completion of an approved program together with completion of a practicum experience with students in one or more grades between grades prekindergarten (pre-k) through eight (8).

(b) The ECE/ELE authorization level is valid for assignments requiring a specialization endorsement such as art, music, ESOL, ESOL/bilin-

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gual, physical education, adaptive physical education, library media, reading or any special education area under OAR 584-060-0071.

(7)(a) The Elementary/Middle Level (ELE/ML) authorization represents the merger of two grade authorization levels and requires completion of an approved program together with completion of a practicum experience with students in one or more grades between grades three (3) through nine (9). The placement may only be grade nine (9) if it is located in a middle school or junior high school.

(b) The ELE/ML authorization level is valid for any assignments requiring a specialization endorsement such as art, music, ESOL, ESOL/bilingual, physical education, adaptive physical education, library media, reading or any special education area under OAR 584-060-0071.

(8)(a) The Middle Level/High School (ML/HS) authorization represents the merger of two grade authorization levels and requires completion of an approved program together with completion of a practicum experience with students in one or more grades between grades five (5) through twelve (12).

(b) The ML/HS authorization is valid for any assignments requiring specialization endorsement such as art, music, ESOL, ESOL/bilingual, physical education, adaptive physical education, library media, reading or any special education area under OAR 584-060-0071.

(10) The Prekindergarten–12 (pre-k through 12) authorization level represents qualification to teach in all four grade levels. The pre-k through grade 12 authorization level requires completion of an approved program including passing the commission-approved test or tests for specialty area endorsements (see OAR 584-060-0071) together with completion of two practica experiences with students in grades between pre-kindergarten through twelve (12).

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120–143, 342.153, 342.165 & 342.223 - 342.232

Hist.: TSPC 4-1999, f. & cert. ef. 8-2-99; TSPC 4-2002, f. & cert. ef. 5-21-02; TSPC 6-2002, f. & cert. ef. 10-23-02; TSPC 2-2005, f. & cert. ef. 4-15-05; TSPC 4-2005(Temp), f. & cert. ef. 5-6-05 thru 9-30-05; TSPC 7-2005, f. & cert. ef. 8-24-05; TSPC 13-2006, f. & cert. ef. 11-22-06; TSPC 2-2007, f. & cert. ef. 4-23-07; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 1-2008(Temp), f. & cert. ef. 2-15-08 thru 8-13-08; TSPC 6-2008, f. & cert. ef. 8-12-08; TSPC 1-2012(Temp), f. & cert. ef. 2-7-12, cert. ef. 2-15-12 thru 8-13-12; TSPC 7-2012, f. & cert. ef. 8-7-12; TSPC 4-2013(Temp), f. & cert. ef. 11-14-13 thru 5-13-14; TSPC 2-2014, f. & cert. ef. 3-15-14

584-060-0052

Adding Authorization Levels to Existing Initial and Professional Teaching Licenses

(1) A candidate seeking to add the next contiguous authorization level to an existing Initial or Professional Teaching License will complete the following:

(a) A program of at least six (6) quarter hours or four (4) semester hours of preparation in child or adolescent development, whichever is appropriate for the level being completed. The program will include methods of instruction in the appropriate subjects at the requested authorization level and may include taking additional subject-matter tests to qualify for the authorization level. Verification from the institution at which the program is completed is required to add the authorization; and

(b) One of the following practicum experiences, which must include preparation of one (1) work sample to document teaching effectiveness at the new authorization level:

(A) A practicum of two (2) semester hours or three (3) 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; or

(B) Verification of one (1) year of experience teaching the new subject-area at least one (1) hour each day or the equivalent on either an optional assignment of ten (10) hours or less or on an approved License for Conditional Assignment.

(2) A candidate may add an authorization level that is not contiguous to an existing Initial or Professional Teaching License if:

(a) The candidate successfully completes an approved program at that level; and

(b) The completed program includes the required practicum experience and completion of a work sample to document teaching effectiveness at the new authorization level.

Stat. Auth.: ORS 342

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

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 9-2006, f. & cert. ef. 6-15-06; TSPC 2-2008, f. & cert. ef. 4-15-08; TSPC 4-2013(Temp), f. & cert. ef. 11-14-13 thru 5-13-14; TSPC 2-2014, f. & cert. ef. 3-15-14

584-060-0200

American Indian Languages Teaching License

(1) Upon filing a correct and complete application in form and matter prescribed by the Commission, an applicant may be granted an American Indian Teaching License for one or more American Indian languages. The license shall be valid for three years and may be renewed upon application from the holder of the license. The first license will be issued for three years plus time to the applicant's birthday

(2) To be eligible for the American Indian Language Teaching License, the applicant must:

(a) Submit a joint application from the prospective teacher and the tribe whose language will be taught. The tribe must certify that the applicant is qualified to teach the language of the tribe.

(b) Obtain a passing score on a commission-approved test of knowledge of U.S. and Oregon civil rights and professional ethics.

(c) Receive a passing score as currently specified by the commission on a test of basic verbal and computational skills;

(d) Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application.

(3) A holder of an American Indian languages teaching license who does not also have a teaching license or registration issued under ORS 342.125 may not teach any subject other than the American Indian language they are approved to teach by the sponsoring tribe.

(4) To be eligible for renewal of the American Indian Language Teaching License an applicant must:

(a) Submit a letter from the tribe that first certified the educator verifying continued competency to teach the tribal language; and

(b) Complete professional development in accordance with OAR 584-090.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430, 342.455, 342.495 & 342.553

Hist.: TSPC 5-2002, f. & cert. ef. 8-9-02; TSPC 5-2009, f. & cert. ef. 10-5-09; 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 2-2014, f. & cert. ef. 3-15-14

584-066-0015

Knowledge Skills and Abilities for Dual Language Specialization

(1)(a) A Dual Language specialization may be indicated on any TSPC Basic, Standard, Initial or Professional Teaching License with a second language endorsement so long as the educator qualifies for the specialization by demonstrated completion of a Commission-approved program for Dual Language specialization.

(b) Once the specialization is earned and placed on a license, the retention of the specialization will be dependent upon ongoing professional development or other specific activities directly related to the Dual Language specialization.

(2) Language: The dual language teacher knows, understands, and applies theories of first and second language acquisition to their practice and communicates in two languages at a highly proficiency level. The dual language teacher:

(a) Knows two or more languages and is professionally proficient in at least two languages;

(b) Understands societal perceptions of languages and its impact on cultural and academic identity;

(c) Knows first (L1) and second language (L2) acquisition and development theory and the interrelatedness and interdependence between L1 and L2 that results in a high level of multilingualism and multi-literacy;

(d) Understands how the student's first language proficiency (listening, speaking, reading, and writing) transfers to an additional language; and

(e) Knows the similarities and differences between aspects of L1 and L2 structures including: phonology (the sound system), morphology (word formation), syntax (phrase and sentence structure), semantics (meaning), and pragmatics (context and function).

(3) Culture: The dual language teacher knows, understands, and uses major concepts, principles, theories, and research related to the role of culture, cultural groups, and identity to construct a supportive learning environment for all dual language students. The dual language teacher:

(a) Knows the benefits of multilingualism and multiculturalism in a global society;

(b) Understands that systemic, institutional, and individual socio-cultural and historical forces affect cross-cultural interaction;

(c) Understands the impact of social injustice on the lives of students and families;

(d) Knows the importance of the socio-cultural and historical context of diverse students, families, schools and communities; and

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(e) Understands the importance of student cultural and academic identity development and how development will vary depending on the individual student's background and experiences.

(4) Planning, Implementing, and Managing Instruction: The dual language teacher knows, understands, and uses evidence-based practices and strategies related to planning, implementing, and managing instruction in dual language classrooms. The dual language teacher:

(a) Understands the characteristics, goals, benefits, and limitations of various types of multilingual education models and programs; understands research related to the effectiveness of various multilingual (bilingual) education models; and understands features that distinguish additive versus subtractive multilingual education programs;

(b) Knows how to identify potential linguistic and cultural biases of pedagogies, curricula, and assessments when determining classroom practices;

(c) Knows how literacy develops in two languages and how it influences instructional planning; and

(d) Knows how content knowledge and literacy develops in two languages and how it influences instructional planning.

(5) Assessment: The dual language teacher should understand the complexity of assessment to inform instruction for students' learning in multiple languages. Dual language teachers know how to assess language skills, literacy and content in both languages of instruction. The dual language teacher:

(a) Knows how to assess learners' prior knowledge to facilitate their acquisition of language and literacy in the second language;

(b) Understands the necessity to use multiple measures to assess language, literacy and content in L1 and L2;

(c) Understands the role of formative assessments in literacy and the content areas in both L1 and L2, and how to use results to design and differentiate instruction; and

(d) Knows the potential linguistic and cultural biases of assessment instruments.

(6) Professionalism: The dual language teacher knows and understands current and emerging trends in educational research. The dual language teacher acts as a resource and advocate for multilingualism and collaborates with students, their families, the school community and educational professionals in order to meet the needs of multilingual students. The dual language teacher:

(a) Knows and understands that advocacy requires knowledge of one's own cultural background and self-reflection;

(b) Knows how to access the most relevant dual language resources for the benefit of students and families;

(c) Understands the importance of leadership within the school, district, and community;

(d) Recognizes their role as an advocate in elevating the benefits and status of multilingualism; and

(e) Understands the history and policies of multilingual education and the dual language field.

(7) Community & Family Engagement: The dual language teacher knows, understands and uses principles, theories, research and applications related to the role of family and community engagement to construct a supportive and inclusive learning environment for all students. The dual language teacher:

(a) Understands the value of engaging students, families, and community members in contributing to an inclusive learning environment;

(b) Knows that students, families, and communities bring multiple funds of knowledge and assets;

(c) Understands that all families bring cultural and linguistic variations and the importance of the teachers' role in being culturally and linguistically responsive; and

(d) Understands their role and responsibility to create alliances for the empowerment of families and communities.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430; 342.455-342.495 & 342.533

Hist.: TSPC 1-2013, f. & cert. ef. 2-14-13; TSPC 2-2014, f. & cert. ef. 3-15-14

584-070-0211

Initial School Psychologist 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 School Psychologist License for three years. The first license will be issued for three years plus time to the applicant's birthday.

(2) The Initial School Psychologist License is valid for:

(a) School psychology at all age or grade levels;

(b) Substitute counseling at any level; and

(c) Substitute teaching at any level in any specialty.

(3) To be eligible for an Initial School Psychologist License, an applicant must satisfy all of the following general preparation requirements:

(a) Have a master's or higher degree in the behavioral sciences or their derivative therapeutic 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 from a regionally accredited institution in the United States validates a non-regionally accredited bachelor's degree for licensure;

(b) Complete in Oregon or another U.S. jurisdiction, as part of the master's degree or separately, an initial graduate program in school psychology at an institution approved for psychologist education by the commission; or obtained certification from the National Association of School Psychologists.

(c) Obtained a passing score on a commission-approved test of knowledge of U.S. and Oregon civil rights laws and professional ethics, unless this requirement has already been satisfied when obtaining a preceding Oregon educator's license or registration; and

(d) 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) The Initial School Psychologist License may be renewed repeatedly for three years upon completion of a professional development plan in accordance with OAR 584-090.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.533

Hist.: TSPC 4-1999, f. & cert. ef. 8-2-99; TSPC 5-2001, f. & cert. ef. 12-13-01; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 8-2008, f. & cert. ef. 11-13-08; TSPC 3-2009(Temp), f. & cert. ef. 5-15-09 thru 11-11-09; TSPC 5-2009, f. & cert. ef. 10-5-09; TSPC 10-2010, f. 12-30-10, cert. ef. 1-1-11; TSPC 2-2014, f. & cert. ef. 3-15-14

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. Under significant extenuating circumstances, additional time may be allowed, as described below in section (5) of this rule.

(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 the behavioral sciences or their derivative therapeutic professions 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.

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

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:

ADMINISTRATIVE RULES

(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; 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 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.

(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.

(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) Incomplete CAL Programs: Initial Administrator License holders who are unable to complete the academic requirements for the Continuing Administrator License within nine (9) years after the Initial Administrator License was first granted may only take an administrator position upon joint application with an employing district requesting a Restricted Transitional Administrator License.

(8) 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. 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

584-080-0022

Continuing Administrator License (CAL)

(1) Upon filing a correct and complete application in form and manner prescribed by the Commission, a qualified applicant shall be granted a Continuing Administrator License.

(2) The Continuing Administrator License is issued for five (5) years and is renewable repeatedly under conditions specified below.

(3) The Continuing Administrator License is valid for school administration at all age or grade levels in any position and for substitute teaching at any level in any specialty.

(4) To be eligible for a Continuing 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) Master's Degree: Hold a master's degree or higher;

(c) Program of Advanced Competency: Complete beyond both the master's degree and beyond the initial graduate program in school administration, an advanced program in administrative competencies consisting of at least eighteen (18) semester hours or twenty-seven (27) quarter hours of graduate credit or the equivalent.

(A) Advanced Program Waiver: Exceptionally, the applicant may qualify for waiver of the advanced institutional program or the assessment of advanced competencies by having a regionally accredited doctor's degree in school administration or educational leadership;

(B) Out-of-State Advanced Program:

(i) If the eighteen (18) semester hours or twenty-seven (27) quarter hours beyond the master's degree, required in subsection (c) above, was completed out-of-state, no additional validation will be required so long as the applicant also has five (5) years of administrative experience on any unrestricted out-of-state administrator license or an Oregon license appropriate for the assignment.

(ii) The out-of-state experience may be cumulative and need not be continuous in one state.

(iii) If the applicant does not have five (5) years of administrative experience, the advanced program will be evaluated by the Commission to determine equivalency. The evaluation will be based upon an established rubric representing the equivalent programs offered by Oregon approved administrator preparation programs.

(iv) After TSPC evaluation, additional coursework may be required to acquire the Continuing Administrator License.

(d) 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.); and

(e) Civil Rights: A passing score on a 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) Experience on an Administrative License: Have three (3) years of one-half time or more experience on any administrator license appropriate for the assignment in a public or accredited private school setting.

(5) The Continuing Administrator License may be renewed for five (5) years upon completion of professional development pursuant to OAR 584 division 90.

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. 15-09 thru 11-11-09; TSPC 5-2009, f. & cert. ef. 10-5-09; TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 2-2014, f. & cert. ef. 3-15-14

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150-315.068	1-1-2014	Amend	2-1-2014	165-016-0045	3-11-2014	Repeal	4-1-2014
150-315.204-(A)	1-1-2014	Amend	2-1-2014	165-016-0050	3-11-2014	Repeal	4-1-2014
150-315.304(9)	1-1-2014	Amend	2-1-2014	165-016-0055	3-11-2014	Repeal	4-1-2014
150-315.514	12-26-2013	Amend	2-1-2014	165-016-0060	3-11-2014	Repeal	4-1-2014
150-316.014	12-26-2013	Am. & Ren.	2-1-2014	165-016-0070	3-11-2014	Repeal	4-1-2014
150-316.102	1-1-2014	Amend	2-1-2014	165-016-0080	3-11-2014	Repeal	4-1-2014
150-316.127(10)	1-1-2014	Amend	2-1-2014	165-016-0100	3-11-2014	Repeal	4-1-2014
150-316.368	1-1-2014	Amend	2-1-2014	165-016-0105	3-11-2014	Repeal	4-1-2014
150-316.680(1)(c)-(A)	1-1-2014	Repeal	2-1-2014	165-016-2014	2-13-2014	Adopt(T)	3-1-2014
150-316.680(1)(c)-(B)	1-1-2014	Repeal	2-1-2014	165-020-0025	1-2-2014	Repeal	2-1-2014
150-316.693	1-1-2014	Adopt	2-1-2014	166-005-0010	2-25-2014	Amend	4-1-2014
150-316.789	1-1-2014	Repeal	2-1-2014	166-150-0005	2-25-2014	Amend	4-1-2014
150-316.791	1-1-2014	Repeal	2-1-2014	166-150-0035	2-25-2014	Amend	4-1-2014
150-316.792	1-1-2014	Adopt	2-1-2014	166-150-0040	2-25-2014	Amend	4-1-2014
150-317.010(4)	1-1-2014	Amend	2-1-2014	166-150-0095	2-25-2014	Amend	4-1-2014
150-317.067	1-1-2014	Amend	2-1-2014	166-150-0135	2-25-2014	Amend	4-1-2014
150-457.440(9)	1-1-2014	Amend	2-1-2014	166-150-0210	2-25-2014	Amend	4-1-2014
160-010-0700	1-1-2014	Adopt	2-1-2014	167-001-0007	3-1-2014	Amend	4-1-2014
160-010-0700	1-3-2014	Adopt	2-1-2014	167-001-0020	3-1-2014	Amend	4-1-2014
160-010-0701	1-1-2014	Adopt	2-1-2014	167-001-0030	3-1-2014	Amend	4-1-2014
160-010-0701	1-3-2014	Adopt	2-1-2014	167-001-0040	3-1-2014	Repeal	4-1-2014
160-010-0710	1-1-2014	Adopt	2-1-2014	167-001-0050	3-1-2014	Repeal	4-1-2014
160-010-0710	1-3-2014	Adopt	2-1-2014	167-001-0060	3-1-2014	Repeal	4-1-2014
160-010-0720	1-1-2014	Adopt	2-1-2014	167-001-0065	3-1-2014	Repeal	4-1-2014
160-010-0720	1-3-2014	Adopt	2-1-2014	167-001-0070	3-1-2014	Repeal	4-1-2014
160-100-0000	3-6-2014	Amend	4-1-2014	167-001-0081	3-1-2014	Amend	4-1-2014
161-006-0155	1-1-2014	Amend(T)	2-1-2014	167-001-0085	3-1-2014	Repeal	4-1-2014
161-006-0160	1-1-2014	Amend(T)	2-1-2014	167-001-0300	3-1-2014	Amend	4-1-2014
161-025-0060	1-1-2014	Amend(T)	2-1-2014	167-001-0360	3-1-2014	Amend	4-1-2014
161-570-0025	1-1-2014	Amend(T)	2-1-2014	167-001-0600	3-1-2014	Amend	4-1-2014
161-570-0030	1-1-2014	Amend(T)	2-1-2014	167-001-0620	3-1-2014	Amend	4-1-2014
162-010-0000	2-13-2014	Amend	3-1-2014	167-001-0625	3-1-2014	Repeal	4-1-2014
162-010-0010	2-13-2014	Amend	3-1-2014	167-001-0635	3-1-2014	Amend	4-1-2014
162-010-0020	2-13-2014	Amend	3-1-2014	170-063-0000	1-15-2014	Amend(T)	2-1-2014
162-010-0030	2-13-2014	Amend	3-1-2014	173-006-0005	12-19-2013	Amend	2-1-2014
162-010-0050	2-13-2014	Amend	3-1-2014	173-008-0005	12-19-2013	Amend	2-1-2014
162-010-0115	2-13-2014	Amend	3-1-2014	177-075-0040	12-1-2013	Amend	1-1-2014
162-010-0120	2-13-2014	Amend	3-1-2014	177-075-0040(T)	12-1-2013	Repeal	1-1-2014
162-010-0130	2-13-2014	Amend	3-1-2014	177-099-0095	1-1-2014	Amend	2-1-2014

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213-008-0002	2-3-2014	Amend	3-1-2014	250-019-0040	1-15-2014	Repeal	2-1-2014
213-017-0004	2-3-2014	Amend	3-1-2014	250-019-0050	1-15-2014	Repeal	2-1-2014
213-017-0005	2-3-2014	Amend	3-1-2014	250-019-0060	1-15-2014	Repeal	2-1-2014
213-017-0005(T)	2-3-2014	Repeal	3-1-2014	250-019-0070	1-15-2014	Repeal	2-1-2014
213-017-0006	2-3-2014	Amend	3-1-2014	250-019-0080	1-15-2014	Repeal	2-1-2014
213-017-0006(T)	2-3-2014	Repeal	3-1-2014	250-020-0032	1-15-2014	Amend	2-1-2014
213-017-0008	2-3-2014	Amend	3-1-2014	250-020-0033	3-10-2014	Amend(T)	4-1-2014
213-017-0008(T)	2-3-2014	Repeal	3-1-2014	250-020-0033(T)	3-13-2014	Suspend	4-1-2014
213-017-0009	2-3-2014	Amend	3-1-2014	250-020-0385	1-15-2014	Amend	2-1-2014
213-017-0009(T)	2-3-2014	Repeal	3-1-2014	255-030-0010	11-27-2013	Amend	1-1-2014
213-018-0012	2-3-2014	Adopt	3-1-2014	255-030-0013	11-27-2013	Amend	1-1-2014
213-018-0012(T)	2-3-2014	Repeal	3-1-2014	255-030-0021	11-27-2013	Amend	1-1-2014
213-018-0013	2-3-2014	Adopt	3-1-2014	255-030-0023	11-27-2013	Amend	1-1-2014
213-018-0013(T)	2-3-2014	Repeal	3-1-2014	255-030-0024	11-27-2013	Amend	1-1-2014
213-018-0036	2-3-2014	Adopt	3-1-2014	255-030-0025	11-27-2013	Amend	1-1-2014
213-018-0036(T)	2-3-2014	Repeal	3-1-2014	255-030-0026	11-27-2013	Amend	1-1-2014
213-019-0008	2-3-2014	Amend	3-1-2014	255-030-0027	11-27-2013	Amend	1-1-2014
213-019-0008(T)	2-3-2014	Repeal	3-1-2014	255-030-0032	11-27-2013	Amend	1-1-2014
213-019-0010	2-3-2014	Amend	3-1-2014	255-030-0035	11-27-2013	Amend	1-1-2014
213-019-0012	2-3-2014	Amend	3-1-2014	255-030-0040	11-27-2013	Amend	1-1-2014
213-019-0015	2-3-2014	Amend	3-1-2014	255-030-0046	11-27-2013	Adopt	1-1-2014
250-001-0000	1-15-2014	Amend	2-1-2014	255-030-0055	11-27-2013	Amend	1-1-2014
250-001-0005	1-15-2014	Amend	2-1-2014	255-060-0012	1-17-2014	Amend(T)	3-1-2014
250-001-0040	1-15-2014	Adopt	2-1-2014	255-062-0016	11-27-2013	Amend	1-1-2014
250-001-0050	1-15-2014	Adopt	2-1-2014	255-075-0079	2-14-2014	Amend(T)	3-1-2014
250-001-0060	1-15-2014	Adopt	2-1-2014	255-075-0079(T)	2-24-2014	Suspend	4-1-2014
250-015-0001	1-15-2014	Amend	2-1-2014	259-008-0005	1-2-2014	Amend	2-1-2014
250-015-0002	1-15-2014	Amend	2-1-2014	259-008-0005	1-29-2014	Amend	3-1-2014
250-015-0005	1-15-2014	Amend	2-1-2014	259-008-0010	1-2-2014	Amend	2-1-2014
250-015-0006	1-15-2014	Amend	2-1-2014	259-008-0020	1-2-2014	Amend	2-1-2014
250-015-0008	1-15-2014	Amend	2-1-2014	259-008-0020	1-29-2014	Amend	3-1-2014
250-015-0010	1-15-2014	Amend	2-1-2014	259-008-0025	1-2-2014	Amend	2-1-2014
250-015-0011	1-15-2014	Repeal	2-1-2014	259-008-0025	1-2-2014	Amend	2-1-2014
250-015-0015	1-15-2014	Repeal	2-1-2014	259-008-0060	1-2-2014	Amend	2-1-2014
250-015-0016	1-15-2014	Repeal	2-1-2014	259-008-0067	1-29-2014	Amend	3-1-2014
250-015-0017	1-15-2014	Repeal	2-1-2014	259-008-0069	1-2-2014	Amend	2-1-2014
250-015-0019	1-15-2014	Repeal	2-1-2014	259-008-0070	1-2-2014	Amend	2-1-2014
250-015-0020	1-15-2014	Repeal	2-1-2014	259-008-0070	1-28-2014	Amend	3-1-2014
250-015-0021	1-15-2014	Repeal	2-1-2014	259-008-0070	2-27-2014	Amend(T)	4-1-2014
250-015-0022	1-15-2014	Amend	2-1-2014	259-008-0075	1-2-2014	Amend	2-1-2014
250-015-0023	1-15-2014	Repeal	2-1-2014	259-008-0080	1-2-2014	Amend	2-1-2014
250-015-0024	1-15-2014	Repeal	2-1-2014	259-008-0080	1-29-2014	Amend	3-1-2014
250-015-0025	1-15-2014	Repeal	2-1-2014	259-008-0090	1-2-2014	Amend	2-1-2014
250-015-0026	1-15-2014	Amend	2-1-2014	259-008-0090	1-29-2014	Amend	3-1-2014
250-015-0027	1-15-2014	Repeal	2-1-2014	259-008-0100	1-2-2014	Amend	2-1-2014
250-015-0028	1-15-2014	Repeal	2-1-2014	259-009-0005	2-6-2014	Amend	3-1-2014
250-015-0029	1-15-2014	Repeal	2-1-2014	259-009-0062	2-6-2014	Amend	3-1-2014
250-015-0031	1-15-2014	Repeal	2-1-2014	259-009-0070	1-28-2014	Amend	3-1-2014
250-015-0032	1-15-2014	Repeal	2-1-2014	259-013-0000	1-2-2014	Amend	2-1-2014
250-015-0033	1-15-2014	Repeal	2-1-2014	259-013-0220	1-2-2014	Amend	2-1-2014
250-015-0035	1-15-2014	Adopt	2-1-2014	259-013-0230	1-2-2014	Amend	2-1-2014
250-016-0080	1-15-2014	Amend	2-1-2014	259-060-0300	1-2-2014	Amend	2-1-2014
250-016-0090	1-15-2014	Adopt	2-1-2014	259-060-0300	1-28-2014	Amend	3-1-2014
250-019-0010	1-15-2014	Repeal	2-1-2014	259-060-0300	3-6-2014	Amend(T)	4-1-2014
250-019-0020	1-15-2014	Repeal	2-1-2014	274-015-0010	1-1-2014	Amend	2-1-2014

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291-014-0100	12-13-2013	Amend	1-1-2014	309-018-0120	2-3-2014	Adopt	3-1-2014
291-014-0100	1-14-2014	Amend	2-1-2014	309-018-0120(T)	2-3-2014	Repeal	3-1-2014
291-014-0110	12-13-2013	Amend	1-1-2014	309-018-0125	2-3-2014	Adopt	3-1-2014
291-014-0110	1-14-2014	Amend	2-1-2014	309-018-0125(T)	2-3-2014	Repeal	3-1-2014
291-014-0120	12-13-2013	Amend	1-1-2014	309-018-0130	2-3-2014	Adopt	3-1-2014
291-014-0120	1-14-2014	Amend	2-1-2014	309-018-0130(T)	2-3-2014	Repeal	3-1-2014
291-041-0018	12-13-2013	Adopt(T)	1-1-2014	309-018-0135	2-3-2014	Adopt	3-1-2014
291-041-0018	1-17-2014	Adopt(T)	3-1-2014	309-018-0135(T)	2-3-2014	Repeal	3-1-2014
291-041-0018	3-4-2014	Adopt	4-1-2014	309-018-0140	2-3-2014	Adopt	3-1-2014
291-041-0018(T)	3-4-2014	Repeal	4-1-2014	309-018-0140(T)	2-3-2014	Repeal	3-1-2014
291-041-0020	12-13-2013	Amend(T)	1-1-2014	309-018-0145	2-3-2014	Adopt	3-1-2014
291-041-0020	1-17-2014	Amend(T)	3-1-2014	309-018-0145(T)	2-3-2014	Repeal	3-1-2014
291-041-0020	3-4-2014	Amend	4-1-2014	309-018-0150	2-3-2014	Adopt	3-1-2014
291-041-0020(T)	3-4-2014	Repeal	4-1-2014	309-018-0150(T)	2-3-2014	Repeal	3-1-2014
291-073-0100	3-3-2014	Adopt	4-1-2014	309-018-0155	2-3-2014	Adopt	3-1-2014
291-073-0110	3-3-2014	Adopt	4-1-2014	309-018-0155(T)	2-3-2014	Repeal	3-1-2014
291-077-0035	12-1-2013	Amend	1-1-2014	309-018-0160	2-3-2014	Adopt	3-1-2014
291-077-0035	1-14-2014	Amend	2-1-2014	309-018-0160(T)	2-3-2014	Repeal	3-1-2014
291-097-0231	12-13-2013	Adopt(T)	1-1-2014	309-018-0165	2-3-2014	Adopt	3-1-2014
291-097-0231	1-17-2014	Adopt(T)	3-1-2014	309-018-0165(T)	2-3-2014	Repeal	3-1-2014
291-104-0111	2-12-2014	Amend(T)	3-1-2014	309-018-0170	2-3-2014	Adopt	3-1-2014
291-104-0116	2-12-2014	Amend(T)	3-1-2014	309-018-0170(T)	2-3-2014	Repeal	3-1-2014
291-104-0125	2-12-2014	Amend(T)	3-1-2014	309-018-0175	2-3-2014	Adopt	3-1-2014
291-104-0135	2-12-2014	Amend(T)	3-1-2014	309-018-0175(T)	2-3-2014	Repeal	3-1-2014
291-104-0140	2-12-2014	Amend(T)	3-1-2014	309-018-0180	2-3-2014	Adopt	3-1-2014
291-109-0125	12-13-2013	Suspend	1-1-2014	309-018-0180(T)	2-3-2014	Repeal	3-1-2014
291-109-0125	1-17-2014	Suspend	3-1-2014	309-018-0185	2-3-2014	Adopt	3-1-2014
291-109-0125	3-3-2014	Repeal	4-1-2014	309-018-0185(T)	2-3-2014	Repeal	3-1-2014
291-109-0125(T)	3-3-2014	Repeal	4-1-2014	309-018-0190	2-3-2014	Adopt	3-1-2014
291-109-0180	12-13-2013	Amend(T)	1-1-2014	309-018-0190(T)	2-3-2014	Repeal	3-1-2014
291-109-0180	1-17-2014	Amend(T)	3-1-2014	309-018-0195	2-3-2014	Adopt	3-1-2014
291-109-0180	3-3-2014	Amend	4-1-2014	309-018-0195(T)	2-3-2014	Repeal	3-1-2014
291-109-0180(T)	3-3-2014	Repeal	4-1-2014	309-018-0200	2-3-2014	Adopt	3-1-2014
291-109-0200	12-13-2013	Adopt(T)	1-1-2014	309-018-0200(T)	2-3-2014	Repeal	3-1-2014
291-109-0200	1-17-2014	Adopt(T)	3-1-2014	309-018-0205	2-3-2014	Adopt	3-1-2014
291-109-0200	3-3-2014	Adopt	4-1-2014	309-018-0205(T)	2-3-2014	Repeal	3-1-2014
291-109-0200(T)	3-3-2014	Repeal	4-1-2014	309-018-0210	2-3-2014	Adopt	3-1-2014
309-011-0070	1-28-2014	Repeal	3-1-2014	309-018-0210(T)	2-3-2014	Repeal	3-1-2014
309-011-0075	1-28-2014	Repeal	3-1-2014	309-018-0215	2-3-2014	Adopt	3-1-2014
309-011-0080	1-28-2014	Repeal	3-1-2014	309-018-0215(T)	2-3-2014	Repeal	3-1-2014
309-011-0085	1-28-2014	Repeal	3-1-2014	309-018-0220(T)	2-3-2014	Repeal	3-1-2014
309-011-0090	1-28-2014	Repeal	3-1-2014	309-019-0100	2-3-2014	Adopt	3-1-2014
309-011-0095	1-28-2014	Repeal	3-1-2014	309-019-0100(T)	2-3-2014	Repeal	3-1-2014
309-012-0130	12-20-2013	Amend(T)	2-1-2014	309-019-0105	2-3-2014	Adopt	3-1-2014
309-012-0150	12-20-2013	Amend(T)	2-1-2014	309-019-0105(T)	2-3-2014	Repeal	3-1-2014
309-012-0180	12-20-2013	Amend(T)	2-1-2014	309-019-0110	2-3-2014	Adopt	3-1-2014
309-012-0190	12-20-2013	Amend(T)	2-1-2014	309-019-0115	2-3-2014	Adopt	3-1-2014
309-012-0230	12-20-2013	Adopt(T)	2-1-2014	309-019-0115(T)	2-3-2014	Repeal	3-1-2014
309-018-0100	2-3-2014	Adopt	3-1-2014	309-019-0120	2-3-2014	Adopt	3-1-2014
309-018-0100(T)	2-3-2014	Repeal	3-1-2014	309-019-0120(T)	2-3-2014	Repeal	3-1-2014
309-018-0105	2-3-2014	Adopt	3-1-2014	309-019-0125	2-3-2014	Adopt	3-1-2014
309-018-0105(T)	2-3-2014	Repeal	3-1-2014	309-019-0125(T)	2-3-2014	Repeal	3-1-2014
309-018-0110	2-3-2014	Adopt	3-1-2014	309-019-0130	2-3-2014	Adopt	3-1-2014
309-018-0110(T)	2-3-2014	Repeal	3-1-2014	309-019-0130(T)	2-3-2014	Repeal	3-1-2014
309-018-0115	2-3-2014	Adopt	3-1-2014	309-019-0135	2-3-2014	Adopt	3-1-2014

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309-034-0490	2-3-2014	Repeal	3-1-2014	330-160-0035	2-10-2014	Adopt	3-1-2014
309-034-0500	2-3-2014	Repeal	3-1-2014	330-160-0037	2-10-2014	Adopt	3-1-2014
309-039-0500	12-20-2013	Amend(T)	2-1-2014	330-160-0038	2-10-2014	Adopt	3-1-2014
309-039-0510	12-20-2013	Amend(T)	2-1-2014	330-160-0040	2-10-2014	Amend	3-1-2014
309-039-0520	12-20-2013	Amend(T)	2-1-2014	330-160-0050	2-10-2014	Amend	3-1-2014
309-039-0530	12-20-2013	Amend(T)	2-1-2014	330-160-0060	2-10-2014	Adopt	3-1-2014
309-039-0540	12-20-2013	Amend(T)	2-1-2014	330-160-0070	2-10-2014	Adopt	3-1-2014
309-039-0570	12-20-2013	Amend(T)	2-1-2014	330-170-0010	1-1-2014	Amend	2-1-2014
309-100-0000	1-28-2014	Repeal	3-1-2014	330-170-0020	1-1-2014	Amend	2-1-2014
330-070-0014	1-1-2014	Amend	2-1-2014	330-170-0030	1-1-2014	Amend	2-1-2014
330-070-0019	1-1-2014	Repeal	2-1-2014	330-170-0040	1-1-2014	Amend	2-1-2014
330-070-0020	1-1-2014	Amend	2-1-2014	330-170-0050	1-1-2014	Amend	2-1-2014
330-070-0021	1-1-2014	Amend	2-1-2014	330-170-0060	1-1-2014	Amend	2-1-2014
330-070-0022	1-1-2014	Amend	2-1-2014	331-440-0000	2-1-2014	Amend	2-1-2014
330-070-0025	1-1-2014	Amend	2-1-2014	331-710-0050	1-1-2014	Amend	2-1-2014
330-070-0026	1-1-2014	Amend	2-1-2014	331-710-0060	1-1-2014	Amend	2-1-2014
330-070-0029	1-1-2014	Amend	2-1-2014	331-710-0070	1-1-2014	Amend	2-1-2014
330-070-0064	1-1-2014	Amend	2-1-2014	331-710-0080	1-1-2014	Amend	2-1-2014
330-070-0073	1-1-2014	Amend	2-1-2014	331-710-0090	1-1-2014	Amend	2-1-2014
330-092-0005	1-1-2014	Amend	2-1-2014	331-710-0100	1-1-2014	Amend	2-1-2014
330-092-0010	1-1-2014	Amend	2-1-2014	331-710-0110	1-1-2014	Amend	2-1-2014
330-092-0015	1-1-2014	Amend	2-1-2014	331-720-0010	1-1-2014	Amend	2-1-2014
330-092-0020	1-1-2014	Amend	2-1-2014	331-720-0015	1-1-2014	Amend	2-1-2014
330-092-0025	1-1-2014	Amend	2-1-2014	331-720-0020	1-1-2014	Amend	2-1-2014
330-092-0030	1-1-2014	Amend	2-1-2014	331-810-0055	1-17-2014	Amend(T)	3-1-2014
330-092-0035	1-1-2014	Amend	2-1-2014	331-900-0010	1-1-2014	Amend	2-1-2014
330-092-0040	1-1-2014	Amend	2-1-2014	331-900-0015	1-1-2014	Amend	2-1-2014
330-092-0045	1-1-2014	Amend	2-1-2014	331-900-0020	1-1-2014	Amend	2-1-2014
330-092-0050	1-1-2014	Amend	2-1-2014	331-900-0040	1-1-2014	Amend	2-1-2014
330-092-0055	1-1-2014	Amend	2-1-2014	331-900-0050	1-1-2014	Amend	2-1-2014
330-092-0060	1-1-2014	Repeal	2-1-2014	331-900-0077	1-1-2014	Adopt	2-1-2014
330-092-0065	1-1-2014	Repeal	2-1-2014	331-900-0085	1-1-2014	Amend	2-1-2014
330-092-0070	1-1-2014	Amend	2-1-2014	331-900-0090	1-1-2014	Amend	2-1-2014
330-110-0010	12-12-2013	Amend	1-1-2014	331-900-0095	1-1-2014	Amend	2-1-2014
330-110-0012	3-7-2014	Adopt	4-1-2014	331-900-0097	1-1-2014	Amend	2-1-2014
330-110-0040	12-12-2013	Amend	1-1-2014	331-900-0098	1-1-2014	Amend	2-1-2014
330-110-0040(T)	12-12-2013	Repeal	1-1-2014	331-900-0099	1-1-2014	Amend	2-1-2014
330-110-0060	12-12-2013	Adopt	1-1-2014	331-900-0115	1-1-2014	Amend	2-1-2014
330-135-0010	12-23-2013	Amend	2-1-2014	331-905-0020	1-1-2014	Amend	2-1-2014
330-135-0015	12-23-2013	Amend	2-1-2014	331-905-0030	1-1-2014	Amend	2-1-2014
330-135-0018	12-23-2013	Amend	2-1-2014	331-905-0052	1-1-2014	Amend	2-1-2014
330-135-0020	12-23-2013	Amend	2-1-2014	331-905-0058	1-1-2014	Amend	2-1-2014
330-135-0025	12-23-2013	Amend	2-1-2014	331-905-0095	1-1-2014	Amend	2-1-2014
330-135-0030	12-23-2013	Amend	2-1-2014	331-910-0005	1-1-2014	Amend	2-1-2014
330-135-0035	12-23-2013	Amend	2-1-2014	331-910-0010	1-1-2014	Amend	2-1-2014
330-135-0040	12-23-2013	Amend	2-1-2014	331-910-0055	1-1-2014	Amend	2-1-2014
330-135-0045	12-23-2013	Amend	2-1-2014	331-910-0060	1-1-2014	Amend	2-1-2014
330-135-0047	12-23-2013	Repeal	2-1-2014	331-915-0020	1-1-2014	Amend	2-1-2014
330-135-0048	12-23-2013	Am. & Ren.	2-1-2014	331-915-0055	1-1-2014	Amend	2-1-2014
330-135-0050	12-23-2013	Amend	2-1-2014	331-915-0060	1-1-2014	Amend	2-1-2014
330-135-0055	12-23-2013	Amend	2-1-2014	331-915-0065	1-1-2014	Amend	2-1-2014
330-135-0060	12-23-2013	Adopt	2-1-2014	331-915-0070	1-1-2014	Amend	2-1-2014
330-160-0015	2-10-2014	Amend	3-1-2014	331-925-0050	1-1-2014	Amend	2-1-2014
330-160-0020	2-10-2014	Amend	3-1-2014	331-940-0000	1-1-2014	Amend	2-1-2014
330-160-0025	2-10-2014	Amend	3-1-2014	331-950-0040	1-1-2014	Amend	2-1-2014

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332-020-0015	1-1-2014	Amend	2-1-2014	333-011-0101	1-1-2014	Am. & Ren.	2-1-2014
333-008-0010	1-13-2014	Amend	2-1-2014	333-011-0106	1-1-2014	Am. & Ren.	2-1-2014
333-008-0010	1-15-2014	Amend(T)	2-1-2014	333-011-0110	1-1-2014	Am. & Ren.	2-1-2014
333-008-0020	1-13-2014	Amend	2-1-2014	333-011-0116	1-1-2014	Repeal	2-1-2014
333-008-0020	1-15-2014	Amend(T)	2-1-2014	333-011-0155	1-1-2014	Repeal	2-1-2014
333-008-0020(T)	1-13-2014	Repeal	2-1-2014	333-011-0200	1-1-2014	Am. & Ren.	2-1-2014
333-008-0025	1-15-2014	Amend(T)	2-1-2014	333-011-0205	1-1-2014	Adopt	2-1-2014
333-008-0045	1-13-2014	Amend	2-1-2014	333-011-0210	1-1-2014	Adopt	2-1-2014
333-008-0045	1-15-2014	Amend(T)	2-1-2014	333-011-0215	1-1-2014	Adopt	2-1-2014
333-008-0050	1-15-2014	Amend(T)	2-1-2014	333-011-0220	1-1-2014	Adopt	2-1-2014
333-008-0120	1-15-2014	Amend(T)	2-1-2014	333-011-0225	1-1-2014	Adopt	2-1-2014
333-008-1000	1-15-2014	Adopt(T)	2-1-2014	333-011-0230	1-1-2014	Adopt	2-1-2014
333-008-1010	1-15-2014	Adopt(T)	2-1-2014	333-011-0235	1-1-2014	Adopt	2-1-2014
333-008-1020	1-15-2014	Adopt(T)	2-1-2014	333-011-0240	1-1-2014	Adopt	2-1-2014
333-008-1030	1-15-2014	Adopt(T)	2-1-2014	333-011-0245	1-1-2014	Adopt	2-1-2014
333-008-1040	1-15-2014	Adopt(T)	2-1-2014	333-011-0250	1-1-2014	Adopt	2-1-2014
333-008-1050	1-15-2014	Adopt(T)	2-1-2014	333-011-0255	1-1-2014	Adopt	2-1-2014
333-008-1060	1-15-2014	Adopt(T)	2-1-2014	333-011-0260	1-1-2014	Adopt	2-1-2014
333-008-1070	1-15-2014	Adopt(T)	2-1-2014	333-011-0265	1-1-2014	Adopt	2-1-2014
333-008-1080	1-15-2014	Adopt(T)	2-1-2014	333-011-0270	1-1-2014	Adopt	2-1-2014
333-008-1090	1-15-2014	Adopt(T)	2-1-2014	333-011-0280	1-1-2014	Adopt	2-1-2014
333-008-1100	1-15-2014	Adopt(T)	2-1-2014	333-011-0285	1-1-2014	Adopt	2-1-2014
333-008-1110	1-15-2014	Adopt(T)	2-1-2014	333-011-0300	1-1-2014	Adopt	2-1-2014
333-008-1120	1-15-2014	Adopt(T)	2-1-2014	333-011-0305	1-1-2014	Adopt	2-1-2014
333-008-1130	1-15-2014	Adopt(T)	2-1-2014	333-011-0310	1-1-2014	Adopt	2-1-2014
333-008-1140	1-15-2014	Adopt(T)	2-1-2014	333-011-0320	1-1-2014	Adopt	2-1-2014
333-008-1150	1-15-2014	Adopt(T)	2-1-2014	333-011-0325	1-1-2014	Adopt	2-1-2014
333-008-1160	1-15-2014	Adopt(T)	2-1-2014	333-011-0330	1-1-2014	Adopt	2-1-2014
333-008-1170	1-15-2014	Adopt(T)	2-1-2014	333-017-0000	1-1-2014	Amend	2-1-2014
333-008-1180	1-15-2014	Adopt(T)	2-1-2014	333-018-0005	1-1-2014	Amend	2-1-2014
333-008-1190	1-15-2014	Adopt(T)	2-1-2014	333-018-0010	1-1-2014	Amend	2-1-2014
333-008-1190	2-21-2014	Adopt(T)	4-1-2014	333-018-0015	1-1-2014	Amend	2-1-2014
333-008-1190(T)	2-21-2014	Suspend	4-1-2014	333-018-0018	1-1-2014	Amend	2-1-2014
333-008-1200	1-15-2014	Adopt(T)	2-1-2014	333-018-0020	1-1-2014	Amend	2-1-2014
333-008-1210	1-15-2014	Adopt(T)	2-1-2014	333-018-0035	1-1-2014	Amend	2-1-2014
333-008-1220	1-15-2014	Adopt(T)	2-1-2014	333-019-0010	1-1-2014	Amend	2-1-2014
333-008-1230	1-15-2014	Adopt(T)	2-1-2014	333-019-0014	1-1-2014	Amend	2-1-2014
333-008-1240	1-15-2014	Adopt(T)	2-1-2014	333-019-0031	1-1-2014	Amend	2-1-2014
333-008-1250	1-15-2014	Adopt(T)	2-1-2014	333-019-0046	1-1-2014	Repeal	2-1-2014
333-008-1260	1-15-2014	Adopt(T)	2-1-2014	333-019-0052	1-1-2014	Adopt	2-1-2014
333-008-1270	1-15-2014	Adopt(T)	2-1-2014	333-024-0240	1-30-2014	Amend	3-1-2014
333-008-1280	1-15-2014	Adopt(T)	2-1-2014	333-024-0241	1-30-2014	Repeal	3-1-2014
333-008-1290	1-15-2014	Adopt(T)	2-1-2014	333-028-0200	1-1-2014	Adopt	2-1-2014
333-011-0006	1-1-2014	Repeal	2-1-2014	333-028-0210	1-1-2014	Adopt	2-1-2014
333-011-0011	1-1-2014	Repeal	2-1-2014	333-028-0220	1-1-2014	Adopt	2-1-2014
333-011-0016	1-1-2014	Repeal	2-1-2014	333-028-0230	1-1-2014	Adopt	2-1-2014
333-011-0021	1-1-2014	Repeal	2-1-2014	333-028-0240	1-1-2014	Adopt	2-1-2014
333-011-0043	1-1-2014	Repeal	2-1-2014	333-028-0250	1-1-2014	Adopt	2-1-2014
333-011-0047	1-1-2014	Am. & Ren.	2-1-2014	333-050-0010	3-1-2014	Amend	3-1-2014
333-011-0048	1-1-2014	Repeal	2-1-2014	333-050-0020	3-1-2014	Amend	3-1-2014
333-011-0061	1-1-2014	Repeal	2-1-2014	333-050-0040	3-1-2014	Amend	3-1-2014
333-011-0067	1-1-2014	Repeal	2-1-2014	333-050-0050	3-1-2014	Amend	3-1-2014
333-011-0072	1-1-2014	Repeal	2-1-2014	333-050-0060	3-1-2014	Amend	3-1-2014
333-011-0073	1-1-2014	Repeal	2-1-2014	333-050-0070	3-1-2014	Amend	3-1-2014
333-011-0076	1-1-2014	Am. & Ren.	2-1-2014	333-050-0080	3-1-2014	Amend	3-1-2014

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333-050-0110	3-1-2014	Amend	3-1-2014	334-010-0006	1-1-2014	Adopt	1-1-2014
333-050-0120	3-1-2014	Amend	3-1-2014	334-010-0010	1-1-2014	Amend	1-1-2014
333-050-0130	3-1-2014	Amend	3-1-2014	334-010-0033	1-1-2014	Amend	1-1-2014
333-050-0140	3-1-2014	Amend	3-1-2014	334-010-0050	1-1-2014	Amend	1-1-2014
333-052-0040	1-30-2014	Amend	3-1-2014	334-020-0005	1-1-2014	Amend	1-1-2014
333-052-0043	1-30-2014	Amend	3-1-2014	334-040-0010	1-1-2014	Amend	1-1-2014
333-052-0044	1-30-2014	Amend	3-1-2014	335-060-0007	3-7-2014	Amend	4-1-2014
333-052-0120	1-30-2014	Amend	3-1-2014	340-011-0005	1-6-2014	Amend	2-1-2014
333-053-0000	1-30-2014	Adopt	3-1-2014	340-011-0010	1-6-2014	Amend	2-1-2014
333-054-0052	1-30-2014	Adopt	3-1-2014	340-011-0024	1-6-2014	Amend	2-1-2014
333-055-0100	11-19-2013	Adopt	1-1-2014	340-011-0029	1-6-2014	Amend	2-1-2014
333-055-0100(T)	11-19-2013	Repeal	1-1-2014	340-011-0046	1-6-2014	Amend	2-1-2014
333-055-0105	11-19-2013	Adopt	1-1-2014	340-011-0053	1-6-2014	Amend	2-1-2014
333-055-0105(T)	11-19-2013	Repeal	1-1-2014	340-011-0061	1-6-2014	Amend	2-1-2014
333-055-0110	11-19-2013	Adopt	1-1-2014	340-011-0310	1-6-2014	Amend	2-1-2014
333-055-0110(T)	11-19-2013	Repeal	1-1-2014	340-011-0330	1-6-2014	Amend	2-1-2014
333-055-0115	11-19-2013	Adopt	1-1-2014	340-011-0340	1-6-2014	Amend	2-1-2014
333-056-0020	1-1-2014	Amend	2-1-2014	340-011-0360	1-6-2014	Amend	2-1-2014
333-056-0030	1-1-2014	Amend	2-1-2014	340-011-0370	1-6-2014	Amend	2-1-2014
333-056-0040	1-1-2014	Amend	2-1-2014	340-011-0380	1-6-2014	Amend	2-1-2014
333-056-0045	1-1-2014	Adopt	2-1-2014	340-011-0390	1-6-2014	Amend	2-1-2014
333-056-0050	1-1-2014	Amend	2-1-2014	340-011-0500	1-6-2014	Amend	2-1-2014
333-076-0670	1-1-2014	Amend(T)	2-1-2014	340-011-0510	1-6-2014	Amend	2-1-2014
333-081-0000	2-1-2014	Adopt	3-1-2014	340-011-0515	1-6-2014	Amend	2-1-2014
333-081-0005	2-1-2014	Adopt	3-1-2014	340-011-0520	1-6-2014	Amend	2-1-2014
333-081-0010	2-1-2014	Adopt	3-1-2014	340-011-0525	1-6-2014	Amend	2-1-2014
333-081-0015	2-1-2014	Adopt	3-1-2014	340-011-0530	1-6-2014	Amend	2-1-2014
333-081-0020	2-1-2014	Adopt	3-1-2014	340-011-0535	1-6-2014	Amend	2-1-2014
333-081-0025	2-1-2014	Adopt	3-1-2014	340-011-0540	1-6-2014	Amend	2-1-2014
333-081-0030	2-1-2014	Adopt	3-1-2014	340-011-0545	1-6-2014	Amend	2-1-2014
333-081-0035	2-1-2014	Adopt	3-1-2014	340-011-0550	1-6-2014	Amend	2-1-2014
333-081-0040	2-1-2014	Adopt	3-1-2014	340-011-0555	1-6-2014	Amend	2-1-2014
333-081-0045	2-1-2014	Adopt	3-1-2014	340-011-0565	1-6-2014	Amend	2-1-2014
333-081-0050	2-1-2014	Adopt	3-1-2014	340-011-0570	1-6-2014	Amend	2-1-2014
333-081-0055	2-1-2014	Adopt	3-1-2014	340-011-0573	1-6-2014	Amend	2-1-2014
333-081-0060	2-1-2014	Adopt	3-1-2014	340-011-0575	1-6-2014	Amend	2-1-2014
333-081-0065	2-1-2014	Adopt	3-1-2014	340-011-0580	1-6-2014	Amend	2-1-2014
333-081-0070	2-1-2014	Adopt	3-1-2014	340-011-0585	1-6-2014	Amend	2-1-2014
333-081-0075	2-1-2014	Adopt	3-1-2014	340-011-0605	1-6-2014	Repeal	2-1-2014
333-081-0080	2-1-2014	Adopt	3-1-2014	340-012-0026	1-6-2014	Amend	2-1-2014
333-081-0085	2-1-2014	Adopt	3-1-2014	340-012-0027	1-6-2014	Repeal	2-1-2014
333-081-0090	2-1-2014	Adopt	3-1-2014	340-012-0028	1-6-2014	Amend	2-1-2014
333-106-0735	1-1-2014	Adopt	2-1-2014	340-012-0030	1-6-2014	Amend	2-1-2014
333-116-0660	1-1-2014	Amend	2-1-2014	340-012-0038	1-6-2014	Amend	2-1-2014
333-116-0680	1-1-2014	Amend	2-1-2014	340-012-0041	1-6-2014	Amend	2-1-2014
333-116-0683	1-1-2014	Amend	2-1-2014	340-012-0045	1-6-2014	Amend	2-1-2014
333-116-0687	1-1-2014	Amend	2-1-2014	340-012-0053	1-6-2014	Amend	2-1-2014
333-116-0690	1-1-2014	Amend	2-1-2014	340-012-0054	1-6-2014	Amend	2-1-2014
333-116-0700	1-1-2014	Amend	2-1-2014	340-012-0055	1-6-2014	Amend	2-1-2014
333-116-0715	1-1-2014	Amend	2-1-2014	340-012-0060	1-6-2014	Amend	2-1-2014
333-118-0040	1-1-2014	Amend	2-1-2014	340-012-0065	1-6-2014	Amend	2-1-2014
333-119-0010	1-1-2014	Amend	2-1-2014	340-012-0066	1-6-2014	Amend	2-1-2014
333-119-0090	1-1-2014	Amend	2-1-2014	340-012-0067	1-6-2014	Amend	2-1-2014
333-119-0110	1-1-2014	Amend	2-1-2014	340-012-0068	1-6-2014	Amend	2-1-2014
333-520-0060	1-1-2014	Amend(T)	2-1-2014	340-012-0071	1-6-2014	Amend	2-1-2014

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340-012-0073	1-6-2014	Amend	2-1-2014	340-071-0420	1-2-2014	Amend	2-1-2014
340-012-0074	1-6-2014	Amend	2-1-2014	340-071-0425	1-2-2014	Amend	2-1-2014
340-012-0079	1-6-2014	Amend	2-1-2014	340-071-0435	1-2-2014	Amend	2-1-2014
340-012-0081	1-6-2014	Amend	2-1-2014	340-071-0445	1-2-2014	Amend	2-1-2014
340-012-0082	1-6-2014	Amend	2-1-2014	340-071-0520	1-2-2014	Amend	2-1-2014
340-012-0083	1-6-2014	Amend	2-1-2014	340-071-0600	1-2-2014	Amend	2-1-2014
340-012-0097	1-6-2014	Amend	2-1-2014	340-071-0650	1-2-2014	Amend	2-1-2014
340-012-0130	1-6-2014	Amend	2-1-2014	340-200-0040	12-19-2013	Amend	2-1-2014
340-012-0135	1-6-2014	Amend	2-1-2014	340-200-0040	1-6-2014	Amend	2-1-2014
340-012-0140	1-6-2014	Amend	2-1-2014	340-253-0040	1-1-2014	Amend(T)	2-1-2014
340-012-0145	1-6-2014	Amend	2-1-2014	340-253-0060	1-1-2014	Amend(T)	2-1-2014
340-012-0150	1-6-2014	Amend	2-1-2014	340-253-0100	1-1-2014	Amend(T)	2-1-2014
340-012-0155	1-6-2014	Amend	2-1-2014	340-253-0250	1-1-2014	Amend(T)	2-1-2014
340-012-0160	1-6-2014	Amend	2-1-2014	340-253-0310	1-1-2014	Amend(T)	2-1-2014
340-012-0162	1-6-2014	Amend	2-1-2014	340-253-0320	1-1-2014	Amend(T)	2-1-2014
340-012-0165	1-6-2014	Amend	2-1-2014	340-253-0340	1-1-2014	Amend(T)	2-1-2014
340-012-0170	1-6-2014	Amend	2-1-2014	340-253-0400	1-1-2014	Amend(T)	2-1-2014
340-018-0030	1-2-2014	Amend	2-1-2014	340-253-0500	1-1-2014	Amend(T)	2-1-2014
340-040-0020	12-23-2013	Amend	2-1-2014	340-253-0600	1-1-2014	Amend(T)	2-1-2014
340-040-0080	12-23-2013	Amend	2-1-2014	340-253-0630	1-1-2014	Amend(T)	2-1-2014
340-041-0009	12-23-2013	Amend	2-1-2014	340-253-0650	1-1-2014	Amend(T)	2-1-2014
340-041-0033	4-18-2014	Amend	2-1-2014	340-253-3000	1-1-2014	Amend(T)	2-1-2014
340-054-0010	2-3-2014	Amend	3-1-2014	340-253-3010	1-1-2014	Amend(T)	2-1-2014
340-054-0011	2-3-2014	Amend	3-1-2014	340-253-3020	1-1-2014	Amend(T)	2-1-2014
340-054-0071	2-3-2014	Adopt	3-1-2014	340-257-0010	12-19-2013	Amend	2-1-2014
340-054-0072	2-3-2014	Adopt	3-1-2014	340-257-0020	12-19-2013	Amend	2-1-2014
340-071-0100	1-2-2014	Amend	2-1-2014	340-257-0030	12-19-2013	Amend	2-1-2014
340-071-0115	1-2-2014	Amend	2-1-2014	340-257-0050	12-19-2013	Amend	2-1-2014
340-071-0120	1-2-2014	Amend	2-1-2014	340-257-0070	12-19-2013	Amend	2-1-2014
340-071-0130	1-2-2014	Amend	2-1-2014	340-257-0080	12-19-2013	Amend	2-1-2014
340-071-0131	1-2-2014	Repeal	2-1-2014	340-257-0090	12-19-2013	Amend	2-1-2014
340-071-0135	1-2-2014	Amend	2-1-2014	340-257-0100	12-19-2013	Amend	2-1-2014
340-071-0140	1-2-2014	Amend	2-1-2014	340-257-0110	12-19-2013	Amend	2-1-2014
340-071-0150	1-2-2014	Amend	2-1-2014	340-257-0120	12-19-2013	Amend	2-1-2014
340-071-0155	1-2-2014	Amend	2-1-2014	407-025-0010	2-14-2014	Adopt	3-1-2014
340-071-0160	1-2-2014	Amend	2-1-2014	407-025-0050	2-14-2014	Adopt	3-1-2014
340-071-0162	1-2-2014	Amend	2-1-2014	409-022-0050	2-24-2014	Amend	4-1-2014
340-071-0165	1-2-2014	Amend	2-1-2014	409-023-0000	1-1-2014	Am. & Ren.	2-1-2014
340-071-0170	1-2-2014	Amend	2-1-2014	409-023-0005	1-1-2014	Am. & Ren.	2-1-2014
340-071-0205	1-2-2014	Amend	2-1-2014	409-023-0010	1-1-2014	Am. & Ren.	2-1-2014
340-071-0215	1-2-2014	Amend	2-1-2014	409-023-0012	1-1-2014	Am. & Ren.	2-1-2014
340-071-0220	1-2-2014	Amend	2-1-2014	409-023-0013	1-1-2014	Am. & Ren.	2-1-2014
340-071-0260	1-2-2014	Amend	2-1-2014	409-023-0015	1-1-2014	Am. & Ren.	2-1-2014
340-071-0265	1-2-2014	Amend	2-1-2014	409-023-0020	1-1-2014	Am. & Ren.	2-1-2014
340-071-0270	1-2-2014	Repeal	2-1-2014	409-023-0025	1-1-2014	Am. & Ren.	2-1-2014
340-071-0275	1-2-2014	Amend	2-1-2014	409-023-0030	1-1-2014	Am. & Ren.	2-1-2014
340-071-0290	1-2-2014	Amend	2-1-2014	409-023-0035	1-1-2014	Am. & Ren.	2-1-2014
340-071-0295	1-2-2014	Amend	2-1-2014	409-045-0105	1-1-2014	Adopt(T)	2-1-2014
340-071-0302	1-2-2014	Amend	2-1-2014	409-045-0110	1-1-2014	Adopt(T)	2-1-2014
340-071-0325	1-2-2014	Amend	2-1-2014	409-045-0115	1-1-2014	Adopt(T)	2-1-2014
340-071-0335	1-2-2014	Amend	2-1-2014	409-045-0120	1-1-2014	Adopt(T)	2-1-2014
340-071-0340	1-2-2014	Amend	2-1-2014	409-045-0125	1-1-2014	Adopt(T)	2-1-2014
340-071-0345	1-2-2014	Amend	2-1-2014	409-045-0130	1-1-2014	Adopt(T)	2-1-2014
340-071-0360	1-2-2014	Amend	2-1-2014	409-045-0135	1-1-2014	Adopt(T)	2-1-2014
340-071-0400	1-2-2014	Amend	2-1-2014	409-110-0000	2-24-2014	Repeal	4-1-2014

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409-110-0010	2-24-2014	Repeal	4-1-2014	410-136-3220	1-1-2014	Amend(T)	2-1-2014
409-110-0015	2-24-2014	Repeal	4-1-2014	410-136-3240	1-1-2014	Amend(T)	2-1-2014
409-110-0020	2-24-2014	Repeal	4-1-2014	410-136-3260	3-11-2014	Amend	4-1-2014
410-120-0000	12-27-2013	Amend	2-1-2014	410-136-3260(T)	3-11-2014	Repeal	4-1-2014
410-120-0000(T)	12-27-2013	Repeal	2-1-2014	410-138-0000	1-1-2014	Amend(T)	2-1-2014
410-120-0003	1-1-2014	Adopt	2-1-2014	410-138-0007	1-1-2014	Amend(T)	2-1-2014
410-120-0006	2-1-2014	Amend(T)	3-1-2014	410-138-0009	1-1-2014	Amend(T)	2-1-2014
410-120-0006(T)	2-1-2014	Suspend	3-1-2014	410-141-0065	1-31-2014	Adopt	3-1-2014
410-120-0030	12-3-2013	Amend	1-1-2014	410-141-0080	2-1-2014	Amend(T)	3-1-2014
410-120-0030	1-1-2014	Amend(T)	2-1-2014	410-141-0520	1-31-2014	Amend	3-1-2014
410-120-0045	12-27-2013	Amend	2-1-2014	410-141-0860	1-1-2014	Amend(T)	2-1-2014
410-120-0045(T)	12-27-2013	Repeal	2-1-2014	410-141-3060	11-29-2013	Amend	1-1-2014
410-120-1160	12-27-2013	Amend	2-1-2014	410-141-3065	1-31-2014	Adopt	3-1-2014
410-120-1160(T)	12-27-2013	Repeal	2-1-2014	410-141-3080	11-29-2013	Amend	1-1-2014
410-120-1200	12-27-2013	Amend	2-1-2014	410-141-3080	2-1-2014	Amend(T)	3-1-2014
410-120-1200(T)	12-27-2013	Repeal	2-1-2014	410-141-3220	11-29-2013	Amend	1-1-2014
410-120-1210	12-27-2013	Amend	2-1-2014	410-141-3268	1-1-2014	Amend(T)	2-1-2014
410-120-1210	1-1-2014	Amend(T)	2-1-2014	410-141-3420	11-29-2013	Amend	1-1-2014
410-120-1210(T)	12-27-2013	Repeal	2-1-2014	410-142-0040	1-1-2014	Amend(T)	2-1-2014
410-120-1230	1-1-2014	Amend(T)	2-1-2014	410-146-0022	1-1-2014	Suspend	2-1-2014
410-120-1340	12-30-2013	Amend(T)	2-1-2014	410-146-0380	1-1-2014	Suspend	2-1-2014
410-120-1855	12-27-2013	Amend	2-1-2014	410-147-0125	1-1-2014	Suspend	2-1-2014
410-120-1855(T)	12-27-2013	Repeal	2-1-2014	410-148-0090	1-1-2014	Suspend	2-1-2014
410-121-0030	1-1-2014	Amend(T)	2-1-2014	410-180-0300	12-3-2013	Adopt	1-1-2014
410-121-0030	1-10-2014	Amend(T)	2-1-2014	410-180-0300(T)	12-3-2013	Repeal	1-1-2014
410-121-0030(T)	1-10-2014	Suspend	2-1-2014	410-180-0305	12-3-2013	Adopt	1-1-2014
410-121-0040	1-1-2014	Amend(T)	2-1-2014	410-180-0305(T)	12-3-2013	Repeal	1-1-2014
410-121-0111	1-28-2014	Amend	3-1-2014	410-180-0310	12-3-2013	Adopt	1-1-2014
410-121-4005	11-19-2013	Amend	1-1-2014	410-180-0310(T)	12-3-2013	Repeal	1-1-2014
410-121-4010	11-19-2013	Amend	1-1-2014	410-180-0312	12-3-2013	Adopt	1-1-2014
410-121-4020	11-19-2013	Amend	1-1-2014	410-180-0315	12-3-2013	Adopt	1-1-2014
410-122-0055	1-1-2014	Suspend	2-1-2014	410-180-0315(T)	12-3-2013	Repeal	1-1-2014
410-122-0186	2-1-2014	Amend(T)	2-1-2014	410-180-0320	12-3-2013	Adopt	1-1-2014
410-123-1060	1-1-2014	Amend(T)	2-1-2014	410-180-0320(T)	12-3-2013	Repeal	1-1-2014
410-123-1200	1-1-2014	Amend(T)	2-1-2014	410-180-0325	1-15-2014	Adopt	2-1-2014
410-123-1260	12-23-2013	Amend	1-1-2014	410-180-0325(T)	1-15-2014	Repeal	2-1-2014
410-123-1260	1-1-2014	Amend(T)	2-1-2014	410-180-0326	1-15-2014	Adopt	2-1-2014
410-123-1260	2-28-2014	Amend(T)	4-1-2014	410-180-0327	12-3-2013	Adopt	1-1-2014
410-123-1540	1-1-2014	Amend(T)	2-1-2014	410-180-0327(T)	12-3-2013	Repeal	1-1-2014
410-123-1670	1-1-2014	Suspend	2-1-2014	410-180-0340	12-3-2013	Adopt	1-1-2014
410-125-0020	1-1-2014	Amend(T)	2-1-2014	410-180-0340(T)	12-3-2013	Repeal	1-1-2014
410-125-0047	1-1-2014	Suspend	2-1-2014	410-180-0345	12-3-2013	Adopt	1-1-2014
410-125-0080	1-1-2014	Amend(T)	2-1-2014	410-180-0345(T)	12-3-2013	Repeal	1-1-2014
410-125-0085	1-1-2014	Amend(T)	2-1-2014	410-180-0350	12-3-2013	Adopt	1-1-2014
410-127-0050	1-1-2014	Suspend	2-1-2014	410-180-0350(T)	12-3-2013	Repeal	1-1-2014
410-129-0195	1-1-2014	Suspend	2-1-2014	410-180-0355	12-3-2013	Adopt	1-1-2014
410-130-0015	1-1-2014	Adopt	2-1-2014	410-180-0355(T)	12-3-2013	Repeal	1-1-2014
410-130-0163	1-1-2014	Suspend	2-1-2014	410-180-0360	12-3-2013	Adopt	1-1-2014
410-130-0240	1-1-2014	Amend(T)	2-1-2014	410-180-0370	12-3-2013	Adopt	1-1-2014
410-130-0255	3-13-2014	Amend	4-1-2014	410-180-0370(T)	12-3-2013	Repeal	1-1-2014
410-131-0120	1-1-2014	Amend(T)	2-1-2014	410-180-0375	12-3-2013	Adopt	1-1-2014
410-132-0055	1-1-2014	Suspend	2-1-2014	410-180-0375(T)	12-3-2013	Repeal	1-1-2014
410-136-3000	1-1-2014	Amend(T)	2-1-2014	410-180-0380	12-3-2013	Adopt	1-1-2014
410-136-3020	1-1-2014	Amend(T)	2-1-2014	410-180-0380(T)	12-3-2013	Repeal	1-1-2014
410-136-3060	1-1-2014	Amend(T)	2-1-2014	410-200-0010	1-15-2014	Adopt(T)	2-1-2014

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410-200-0015	1-15-2014	Adopt(T)	2-1-2014	410-200-0410(T)	1-15-2014	Suspend	2-1-2014
410-200-0015(T)	1-15-2014	Suspend	2-1-2014	410-200-0415	1-15-2014	Adopt(T)	2-1-2014
410-200-0100	1-15-2014	Adopt(T)	2-1-2014	410-200-0415(T)	1-15-2014	Suspend	2-1-2014
410-200-0100(T)	1-15-2014	Suspend	2-1-2014	410-200-0420	1-15-2014	Adopt(T)	2-1-2014
410-200-0105	1-15-2014	Adopt(T)	2-1-2014	410-200-0420(T)	1-15-2014	Suspend	2-1-2014
410-200-0105(T)	1-15-2014	Suspend	2-1-2014	410-200-0425	1-15-2014	Adopt(T)	2-1-2014
410-200-0110	1-15-2014	Adopt(T)	2-1-2014	410-200-0425(T)	1-15-2014	Suspend	2-1-2014
410-200-0110(T)	1-15-2014	Suspend	2-1-2014	410-200-0435	1-15-2014	Adopt(T)	2-1-2014
410-200-0111	1-15-2014	Adopt(T)	2-1-2014	410-200-0435(T)	1-15-2014	Suspend	2-1-2014
410-200-0111(T)	1-15-2014	Suspend	2-1-2014	410-200-0440	1-15-2014	Adopt(T)	2-1-2014
410-200-0115	1-15-2014	Adopt(T)	2-1-2014	410-200-0440(T)	1-15-2014	Suspend	2-1-2014
410-200-0115(T)	1-15-2014	Suspend	2-1-2014	410-200-0500	1-15-2014	Adopt(T)	2-1-2014
410-200-0120	1-15-2014	Adopt(T)	2-1-2014	410-200-0500(T)	1-15-2014	Suspend	2-1-2014
410-200-0120(T)	1-15-2014	Suspend	2-1-2014	410-200-0505	1-15-2014	Adopt(T)	2-1-2014
410-200-0125	1-15-2014	Adopt(T)	2-1-2014	410-200-0505(T)	1-15-2014	Suspend	2-1-2014
410-200-0125(T)	1-15-2014	Suspend	2-1-2014	410-200-0510	1-15-2014	Adopt(T)	2-1-2014
410-200-0130	1-15-2014	Adopt(T)	2-1-2014	410-200-0510(T)	1-15-2014	Suspend	2-1-2014
410-200-0130(T)	1-15-2014	Suspend	2-1-2014	410-200-0515(T)	1-15-2014	Suspend	2-1-2014
410-200-0135	1-15-2014	Adopt(T)	2-1-2014	411-001-0100	1-1-2014	Amend	2-1-2014
410-200-0135(T)	1-15-2014	Suspend	2-1-2014	411-001-0110	1-1-2014	Amend	2-1-2014
410-200-0140	1-15-2014	Adopt(T)	2-1-2014	411-001-0118	1-1-2014	Amend	2-1-2014
410-200-0140(T)	1-15-2014	Suspend	2-1-2014	411-001-0120	1-1-2014	Amend	2-1-2014
410-200-0145	1-15-2014	Adopt(T)	2-1-2014	411-001-0510	12-15-2013	Amend	1-1-2014
410-200-0145(T)	1-15-2014	Suspend	2-1-2014	411-001-0510(T)	12-15-2013	Repeal	1-1-2014
410-200-0146	1-15-2014	Adopt(T)	2-1-2014	411-015-0005	12-15-2013	Amend	1-1-2014
410-200-0146(T)	1-15-2014	Suspend	2-1-2014	411-015-0005(T)	12-15-2013	Repeal	1-1-2014
410-200-0200	1-15-2014	Adopt(T)	2-1-2014	411-015-0008	12-15-2013	Amend	1-1-2014
410-200-0200(T)	1-15-2014	Suspend	2-1-2014	411-015-0008(T)	12-15-2013	Repeal	1-1-2014
410-200-0205	1-15-2014	Adopt(T)	2-1-2014	411-015-0015	12-15-2013	Amend	1-1-2014
410-200-0205(T)	1-15-2014	Suspend	2-1-2014	411-015-0015(T)	12-15-2013	Repeal	1-1-2014
410-200-0210	1-15-2014	Adopt(T)	2-1-2014	411-015-0100	12-15-2013	Amend	1-1-2014
410-200-0210(T)	1-15-2014	Suspend	2-1-2014	411-015-0100(T)	12-15-2013	Repeal	1-1-2014
410-200-0215	1-15-2014	Adopt(T)	2-1-2014	411-028-0000	12-15-2013	Adopt	1-1-2014
410-200-0215(T)	1-15-2014	Suspend	2-1-2014	411-028-0000(T)	12-15-2013	Repeal	1-1-2014
410-200-0220	1-15-2014	Adopt(T)	2-1-2014	411-028-0010	12-15-2013	Adopt	1-1-2014
410-200-0220(T)	1-15-2014	Suspend	2-1-2014	411-028-0010(T)	12-15-2013	Repeal	1-1-2014
410-200-0225	1-15-2014	Adopt(T)	2-1-2014	411-028-0020	12-15-2013	Adopt	1-1-2014
410-200-0225(T)	1-15-2014	Suspend	2-1-2014	411-028-0020(T)	12-15-2013	Repeal	1-1-2014
410-200-0230	1-15-2014	Adopt(T)	2-1-2014	411-028-0030	12-15-2013	Adopt	1-1-2014
410-200-0230(T)	1-15-2014	Suspend	2-1-2014	411-028-0030(T)	12-15-2013	Repeal	1-1-2014
410-200-0235	1-15-2014	Adopt(T)	2-1-2014	411-028-0040	12-15-2013	Adopt	1-1-2014
410-200-0235(T)	1-15-2014	Suspend	2-1-2014	411-028-0040(T)	12-15-2013	Repeal	1-1-2014
410-200-0240	1-15-2014	Adopt(T)	2-1-2014	411-028-0050	12-15-2013	Adopt	1-1-2014
410-200-0240(T)	1-15-2014	Suspend	2-1-2014	411-028-0050(T)	12-15-2013	Repeal	1-1-2014
410-200-0305	1-15-2014	Adopt(T)	2-1-2014	411-030-0070	12-15-2013	Amend	1-1-2014
410-200-0305(T)	1-15-2014	Suspend	2-1-2014	411-030-0070(T)	12-15-2013	Repeal	1-1-2014
410-200-0310	1-15-2014	Adopt(T)	2-1-2014	411-030-0100	12-15-2013	Amend	1-1-2014
410-200-0310(T)	1-15-2014	Suspend	2-1-2014	411-030-0100(T)	12-15-2013	Repeal	1-1-2014
410-200-0315	1-15-2014	Adopt(T)	2-1-2014	411-031-0020	12-15-2013	Amend	1-1-2014
410-200-0315(T)	1-15-2014	Suspend	2-1-2014	411-031-0020(T)	12-15-2013	Repeal	1-1-2014
410-200-0400	1-15-2014	Adopt(T)	2-1-2014	411-031-0040	12-15-2013	Amend	1-1-2014
410-200-0400(T)	1-15-2014	Suspend	2-1-2014	411-031-0040(T)	12-15-2013	Repeal	1-1-2014
410-200-0405	1-15-2014	Adopt(T)	2-1-2014	411-031-0050	12-15-2013	Amend	1-1-2014
410-200-0405(T)	1-15-2014	Suspend	2-1-2014	411-034-0000	12-15-2013	Amend	1-1-2014
410-200-0406(T)	1-15-2014	Suspend	2-1-2014	411-034-0000(T)	12-15-2013	Repeal	1-1-2014

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411-034-0010(T)	12-15-2013	Repeal	1-1-2014	411-300-0140(T)	12-28-2013	Repeal	2-1-2014
411-034-0020	12-15-2013	Amend	1-1-2014	411-300-0150	12-28-2013	Amend	2-1-2014
411-034-0020(T)	12-15-2013	Repeal	1-1-2014	411-300-0150(T)	12-28-2013	Repeal	2-1-2014
411-034-0030	12-15-2013	Amend	1-1-2014	411-300-0155	12-28-2013	Amend	2-1-2014
411-034-0030(T)	12-15-2013	Repeal	1-1-2014	411-300-0170	12-28-2013	Amend	2-1-2014
411-034-0035	12-15-2013	Amend	1-1-2014	411-300-0190	12-28-2013	Amend	2-1-2014
411-034-0035(T)	12-15-2013	Repeal	1-1-2014	411-300-0200	12-28-2013	Amend	2-1-2014
411-034-0040	12-15-2013	Amend	1-1-2014	411-300-0205	12-28-2013	Amend	2-1-2014
411-034-0040(T)	12-15-2013	Repeal	1-1-2014	411-300-0210	12-28-2013	Amend	2-1-2014
411-034-0050	12-15-2013	Amend	1-1-2014	411-300-0220	12-28-2013	Amend	2-1-2014
411-034-0050(T)	12-15-2013	Repeal	1-1-2014	411-308-0010	12-28-2013	Amend	2-1-2014
411-034-0055	12-15-2013	Amend	1-1-2014	411-308-0010(T)	12-28-2013	Repeal	2-1-2014
411-034-0055(T)	12-15-2013	Repeal	1-1-2014	411-308-0020	12-28-2013	Amend	2-1-2014
411-034-0070	12-15-2013	Amend	1-1-2014	411-308-0020(T)	12-28-2013	Repeal	2-1-2014
411-034-0070(T)	12-15-2013	Repeal	1-1-2014	411-308-0030	12-28-2013	Amend	2-1-2014
411-034-0090	12-15-2013	Amend	1-1-2014	411-308-0030(T)	12-28-2013	Repeal	2-1-2014
411-034-0090(T)	12-15-2013	Repeal	1-1-2014	411-308-0040	12-28-2013	Amend	2-1-2014
411-040-0000	12-15-2013	Amend	1-1-2014	411-308-0050	12-28-2013	Amend	2-1-2014
411-040-0000(T)	12-15-2013	Repeal	1-1-2014	411-308-0050(T)	12-28-2013	Repeal	2-1-2014
411-045-0010	12-15-2013	Amend	1-1-2014	411-308-0060	12-28-2013	Amend	2-1-2014
411-045-0010(T)	12-15-2013	Repeal	1-1-2014	411-308-0060(T)	12-28-2013	Repeal	2-1-2014
411-045-0050	12-15-2013	Amend	1-1-2014	411-308-0070	12-28-2013	Amend	2-1-2014
411-045-0050(T)	12-15-2013	Repeal	1-1-2014	411-308-0070(T)	12-28-2013	Repeal	2-1-2014
411-048-0150	12-15-2013	Amend	1-1-2014	411-308-0080	12-28-2013	Amend	2-1-2014
411-048-0150(T)	12-15-2013	Repeal	1-1-2014	411-308-0080(T)	12-28-2013	Repeal	2-1-2014
411-048-0160	12-15-2013	Amend	1-1-2014	411-308-0090	12-28-2013	Amend	2-1-2014
411-048-0160(T)	12-15-2013	Repeal	1-1-2014	411-308-0100	12-28-2013	Amend	2-1-2014
411-048-0170	12-15-2013	Amend	1-1-2014	411-308-0100(T)	12-28-2013	Repeal	2-1-2014
411-048-0170(T)	12-15-2013	Repeal	1-1-2014	411-308-0110	12-28-2013	Amend	2-1-2014
411-065-0000	12-15-2013	Amend	1-1-2014	411-308-0120	12-28-2013	Amend	2-1-2014
411-065-0000(T)	12-15-2013	Repeal	1-1-2014	411-308-0120(T)	12-28-2013	Repeal	2-1-2014
411-070-0005	4-1-2014	Amend	4-1-2014	411-308-0130	12-28-2013	Amend	2-1-2014
411-070-0005(T)	4-1-2014	Repeal	4-1-2014	411-308-0140	12-28-2013	Amend	2-1-2014
411-070-0033	12-15-2013	Amend	1-1-2014	411-308-0150	12-28-2013	Amend	2-1-2014
411-070-0033(T)	12-15-2013	Repeal	1-1-2014	411-320-0010	12-28-2013	Amend	2-1-2014
411-070-0300	4-1-2014	Amend	4-1-2014	411-320-0020	12-28-2013	Amend	2-1-2014
411-070-0300(T)	4-1-2014	Repeal	4-1-2014	411-320-0020(T)	12-28-2013	Repeal	2-1-2014
411-070-0437	4-1-2014	Adopt	4-1-2014	411-320-0030	12-28-2013	Amend	2-1-2014
411-070-0437(T)	4-1-2014	Repeal	4-1-2014	411-320-0030(T)	12-28-2013	Repeal	2-1-2014
411-070-0442	4-1-2014	Amend	4-1-2014	411-320-0040	12-28-2013	Amend	2-1-2014
411-070-0442(T)	4-1-2014	Repeal	4-1-2014	411-320-0040(T)	12-28-2013	Repeal	2-1-2014
411-070-0452	12-28-2013	Amend	2-1-2014	411-320-0045	12-28-2013	Amend	2-1-2014
411-070-0452(T)	12-28-2013	Repeal	2-1-2014	411-320-0050	12-28-2013	Amend	2-1-2014
411-200-0010	2-1-2014	Amend	3-1-2014	411-320-0060	12-28-2013	Amend	2-1-2014
411-200-0020	2-1-2014	Amend	3-1-2014	411-320-0060(T)	12-28-2013	Repeal	2-1-2014
411-200-0030	2-1-2014	Amend	3-1-2014	411-320-0070	12-28-2013	Amend	2-1-2014
411-200-0035	2-1-2014	Amend	3-1-2014	411-320-0070(T)	12-28-2013	Repeal	2-1-2014
411-200-0040	2-1-2014	Amend	3-1-2014	411-320-0080	12-28-2013	Amend	2-1-2014
411-300-0100	12-28-2013	Amend	2-1-2014	411-320-0090	12-28-2013	Amend	2-1-2014
411-300-0110	12-28-2013	Amend	2-1-2014	411-320-0090(T)	12-28-2013	Repeal	2-1-2014
411-300-0110(T)	12-28-2013	Repeal	2-1-2014	411-320-0100	12-28-2013	Amend	2-1-2014
411-300-0120	12-28-2013	Amend	2-1-2014	411-320-0100(T)	12-28-2013	Repeal	2-1-2014
411-300-0120(T)	12-28-2013	Repeal	2-1-2014	411-320-0110	12-28-2013	Amend	2-1-2014
411-300-0130	12-28-2013	Amend	2-1-2014	411-320-0110(T)	12-28-2013	Repeal	2-1-2014
411-300-0130(T)	12-28-2013	Repeal	2-1-2014	411-320-0120	12-28-2013	Amend	2-1-2014

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411-335-0060	1-1-2014	Suspend	2-1-2014	411-345-0140	12-28-2013	Amend	2-1-2014
411-335-0120	1-1-2014	Suspend	2-1-2014	411-345-0140(T)	12-28-2013	Repeal	2-1-2014
411-335-0130	1-1-2014	Suspend	2-1-2014	411-345-0160	12-28-2013	Amend	2-1-2014
411-335-0150	1-1-2014	Suspend	2-1-2014	411-345-0170	12-28-2013	Amend	2-1-2014
411-335-0160	1-1-2014	Suspend	2-1-2014	411-345-0180	12-28-2013	Amend	2-1-2014
411-335-0170	1-1-2014	Suspend	2-1-2014	411-345-0190	12-28-2013	Amend	2-1-2014
411-335-0180	1-1-2014	Suspend	2-1-2014	411-345-0200	12-28-2013	Amend	2-1-2014
411-335-0190	1-1-2014	Suspend	2-1-2014	411-345-0230	12-28-2013	Amend	2-1-2014
411-335-0200	1-1-2014	Suspend	2-1-2014	411-345-0240	12-28-2013	Amend	2-1-2014
411-335-0210	1-1-2014	Suspend	2-1-2014	411-345-0250	12-28-2013	Amend	2-1-2014
411-335-0220	1-1-2014	Suspend	2-1-2014	411-345-0260	12-28-2013	Amend	2-1-2014
411-335-0230	1-1-2014	Suspend	2-1-2014	411-345-0270	12-28-2013	Amend	2-1-2014
411-335-0240	1-1-2014	Suspend	2-1-2014	411-346-0100	12-28-2013	Amend	2-1-2014
411-335-0250	1-1-2014	Suspend	2-1-2014	411-346-0110	12-28-2013	Amend	2-1-2014
411-335-0260	1-1-2014	Suspend	2-1-2014	411-346-0110(T)	12-28-2013	Repeal	2-1-2014
411-335-0270	1-1-2014	Suspend	2-1-2014	411-346-0120	12-28-2013	Amend	2-1-2014
411-335-0280	1-1-2014	Suspend	2-1-2014	411-346-0130	12-28-2013	Amend	2-1-2014
411-335-0290	1-1-2014	Suspend	2-1-2014	411-346-0140	12-28-2013	Amend	2-1-2014
411-335-0310	1-1-2014	Suspend	2-1-2014	411-346-0150	12-28-2013	Amend	2-1-2014
411-335-0320	1-1-2014	Suspend	2-1-2014	411-346-0160	12-28-2013	Amend	2-1-2014
411-335-0330	1-1-2014	Suspend	2-1-2014	411-346-0165	12-28-2013	Amend	2-1-2014
411-335-0340	1-1-2014	Suspend	2-1-2014	411-346-0170	12-28-2013	Amend	2-1-2014
411-335-0350	1-1-2014	Suspend	2-1-2014	411-346-0180	12-28-2013	Amend	2-1-2014
411-335-0360	1-1-2014	Suspend	2-1-2014	411-346-0180(T)	12-28-2013	Repeal	2-1-2014
411-340-0010	12-28-2013	Amend	2-1-2014	411-346-0190	12-28-2013	Amend	2-1-2014
411-340-0020	12-28-2013	Amend	2-1-2014	411-346-0200	12-28-2013	Amend	2-1-2014
411-340-0020(T)	12-28-2013	Repeal	2-1-2014	411-346-0210	12-28-2013	Amend	2-1-2014
411-340-0030	12-28-2013	Amend	2-1-2014	411-346-0220	12-28-2013	Amend	2-1-2014
411-340-0040	12-28-2013	Amend	2-1-2014	411-346-0230	12-28-2013	Amend	2-1-2014
411-340-0050	12-28-2013	Amend	2-1-2014	411-350-0010	12-28-2013	Amend	2-1-2014
411-340-0060	12-28-2013	Amend	2-1-2014	411-350-0020	12-28-2013	Amend	2-1-2014
411-340-0070	12-28-2013	Amend	2-1-2014	411-350-0020(T)	12-28-2013	Repeal	2-1-2014
411-340-0080	12-28-2013	Amend	2-1-2014	411-350-0030	12-28-2013	Amend	2-1-2014
411-340-0090	12-28-2013	Amend	2-1-2014	411-350-0030(T)	12-28-2013	Repeal	2-1-2014
411-340-0100	12-28-2013	Amend	2-1-2014	411-350-0040	12-28-2013	Amend	2-1-2014
411-340-0100(T)	12-28-2013	Repeal	2-1-2014	411-350-0040(T)	12-28-2013	Repeal	2-1-2014
411-340-0110	12-28-2013	Amend	2-1-2014	411-350-0050	12-28-2013	Amend	2-1-2014
411-340-0110(T)	12-28-2013	Repeal	2-1-2014	411-350-0050(T)	12-28-2013	Repeal	2-1-2014
411-340-0120	12-28-2013	Amend	2-1-2014	411-350-0080	12-28-2013	Amend	2-1-2014
411-340-0120(T)	12-28-2013	Repeal	2-1-2014	411-350-0100	12-28-2013	Amend	2-1-2014
411-340-0125	12-28-2013	Amend	2-1-2014	411-350-0110	12-28-2013	Amend	2-1-2014
411-340-0125(T)	12-28-2013	Repeal	2-1-2014	411-350-0115	12-28-2013	Amend	2-1-2014
411-340-0130	12-28-2013	Amend	2-1-2014	411-350-0118	12-28-2013	Amend	2-1-2014
411-340-0130(T)	12-28-2013	Repeal	2-1-2014	411-350-0120	12-28-2013	Amend	2-1-2014
411-340-0140	12-28-2013	Amend	2-1-2014	411-355-0000	12-28-2013	Amend	2-1-2014
411-340-0150	12-28-2013	Amend	2-1-2014	411-355-0010	12-28-2013	Amend	2-1-2014
411-340-0150(T)	12-28-2013	Repeal	2-1-2014	411-355-0010(T)	12-28-2013	Repeal	2-1-2014
411-340-0160	12-28-2013	Amend	2-1-2014	411-355-0020	12-28-2013	Amend	2-1-2014
411-340-0170	12-28-2013	Amend	2-1-2014	411-355-0020(T)	12-28-2013	Repeal	2-1-2014
411-340-0180	12-28-2013	Amend	2-1-2014	411-355-0030	12-28-2013	Amend	2-1-2014
411-345-0010	12-28-2013	Amend	2-1-2014	411-355-0030(T)	12-28-2013	Repeal	2-1-2014
411-345-0020	12-28-2013	Amend	2-1-2014	411-355-0040	12-28-2013	Amend	2-1-2014
411-345-0020(T)	12-28-2013	Repeal	2-1-2014	411-355-0040(T)	12-28-2013	Repeal	2-1-2014
411-345-0095	12-28-2013	Amend	2-1-2014	411-355-0050	12-28-2013	Amend	2-1-2014
411-345-0110	12-28-2013	Amend	2-1-2014	411-355-0060	12-28-2013	Amend	2-1-2014

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411-355-0080	12-28-2013	Amend	2-1-2014	413-100-0480	1-1-2014	Suspend	2-1-2014
411-355-0090	12-28-2013	Amend	2-1-2014	413-100-0490	1-1-2014	Suspend	2-1-2014
411-355-0100	12-28-2013	Amend	2-1-2014	413-100-0500	1-1-2014	Suspend	2-1-2014
411-355-0110	12-28-2013	Amend	2-1-2014	413-100-0510	1-1-2014	Suspend	2-1-2014
411-355-0120	12-28-2013	Amend	2-1-2014	413-100-0520	1-1-2014	Suspend	2-1-2014
413-010-0000	1-1-2014	Amend	2-1-2014	413-100-0530	1-1-2014	Amend(T)	2-1-2014
413-010-0010	1-1-2014	Amend	2-1-2014	413-100-0540	1-1-2014	Suspend	2-1-2014
413-010-0030	1-1-2014	Amend	2-1-2014	413-100-0550	1-1-2014	Suspend	2-1-2014
413-010-0035	1-1-2014	Amend	2-1-2014	413-100-0560	1-1-2014	Suspend	2-1-2014
413-010-0045	1-1-2014	Amend	2-1-2014	413-100-0580	12-31-2013	Renumber	2-1-2014
413-010-0055	1-1-2014	Amend	2-1-2014	413-100-0590	12-31-2013	Renumber	2-1-2014
413-010-0065	1-1-2014	Amend	2-1-2014	413-100-0600	1-1-2014	Suspend	2-1-2014
413-010-0068	1-1-2014	Amend	2-1-2014	413-100-0610	1-1-2014	Suspend	2-1-2014
413-010-0075	1-1-2014	Amend	2-1-2014	413-130-0000	2-1-2014	Amend	3-1-2014
413-010-0170	1-1-2014	Amend	2-1-2014	413-130-0010	2-1-2014	Amend	3-1-2014
413-010-0175	1-1-2014	Amend	2-1-2014	413-130-0015	2-1-2014	Amend	3-1-2014
413-010-0180	1-1-2014	Amend	2-1-2014	413-130-0020	2-1-2014	Amend	3-1-2014
413-010-0185	1-1-2014	Adopt	2-1-2014	413-130-0040	2-1-2014	Amend	3-1-2014
413-010-0300	1-1-2014	Amend	2-1-2014	413-130-0050	2-1-2014	Amend	3-1-2014
413-010-0310	1-1-2014	Amend	2-1-2014	413-130-0055	2-1-2014	Amend	3-1-2014
413-010-0320	1-1-2014	Amend	2-1-2014	413-130-0070	2-1-2014	Amend	3-1-2014
413-010-0330	1-1-2014	Amend	2-1-2014	413-130-0075	2-1-2014	Amend	3-1-2014
413-010-0340	1-1-2014	Amend	2-1-2014	413-130-0077	2-1-2014	Amend	3-1-2014
413-070-0800	1-1-2014	Amend	2-1-2014	413-130-0080	2-1-2014	Amend	3-1-2014
413-070-0810	1-1-2014	Amend	2-1-2014	413-130-0110	2-1-2014	Amend	3-1-2014
413-070-0830	1-1-2014	Amend	2-1-2014	413-130-0125	2-1-2014	Amend	3-1-2014
413-070-0840	1-1-2014	Amend	2-1-2014	413-130-0130	2-1-2014	Amend	3-1-2014
413-070-0855	1-1-2014	Amend	2-1-2014	413-140-0000	1-1-2014	Amend	2-1-2014
413-070-0860	1-1-2014	Amend	2-1-2014	413-140-0010	1-1-2014	Amend	2-1-2014
413-070-0870	1-1-2014	Amend	2-1-2014	413-140-0026	1-1-2014	Amend	2-1-2014
413-070-0880	1-1-2014	Amend	2-1-2014	413-140-0030	1-1-2014	Amend	2-1-2014
413-070-0900	2-1-2014	Amend	3-1-2014	413-140-0031	1-1-2014	Adopt	2-1-2014
413-070-0905	2-1-2014	Amend	3-1-2014	413-140-0032	1-1-2014	Adopt	2-1-2014
413-070-0909	2-1-2014	Amend	3-1-2014	413-140-0033	1-1-2014	Adopt	2-1-2014
413-070-0917	2-1-2014	Amend	3-1-2014	413-140-0035	1-1-2014	Amend	2-1-2014
413-070-0919	2-1-2014	Amend	3-1-2014	413-140-0040	1-1-2014	Amend	2-1-2014
413-070-0925	2-1-2014	Amend	3-1-2014	413-140-0045	1-1-2014	Repeal	2-1-2014
413-070-0934	2-1-2014	Amend	3-1-2014	413-140-0047	1-1-2014	Adopt	2-1-2014
413-070-0939	2-1-2014	Amend	3-1-2014	413-140-0055	1-1-2014	Repeal	2-1-2014
413-070-0949	2-1-2014	Amend	3-1-2014	413-140-0065	1-1-2014	Amend	2-1-2014
413-070-0959	2-1-2014	Amend	3-1-2014	413-140-0080	1-1-2014	Repeal	2-1-2014
413-070-0964	2-1-2014	Amend	3-1-2014	413-140-0110	1-1-2014	Amend	2-1-2014
413-070-0969	2-1-2014	Amend	3-1-2014	413-140-0120	1-1-2014	Repeal	2-1-2014
413-070-0974	2-1-2014	Amend	3-1-2014	413-215-0918	2-1-2014	Amend	3-1-2014
413-100-0400	1-1-2014	Amend(T)	2-1-2014	413-330-0000	1-1-2014	Suspend	2-1-2014
413-100-0410	1-1-2014	Amend(T)	2-1-2014	413-330-0010	1-1-2014	Suspend	2-1-2014
413-100-0420	1-1-2014	Amend(T)	2-1-2014	413-330-0020	1-1-2014	Suspend	2-1-2014
413-100-0430	1-1-2014	Amend(T)	2-1-2014	413-330-0030	1-1-2014	Suspend	2-1-2014
413-100-0435	1-1-2014	Adopt(T)	2-1-2014	413-330-0040	1-1-2014	Suspend	2-1-2014
413-100-0440	1-1-2014	Suspend	2-1-2014	413-330-0050	1-1-2014	Suspend	2-1-2014
413-100-0445	1-1-2014	Amend(T)	2-1-2014	413-330-0060	1-1-2014	Suspend	2-1-2014
413-100-0450	1-1-2014	Suspend	2-1-2014	413-330-0080	1-1-2014	Suspend	2-1-2014
413-100-0455	1-1-2014	Amend(T)	2-1-2014	414-002-0005	1-15-2014	Adopt	2-1-2014
413-100-0457	2-4-2014	Adopt(T)	3-1-2014	414-002-0010	1-15-2014	Adopt	2-1-2014
413-100-0460	1-1-2014	Amend(T)	2-1-2014	414-800-0005	1-15-2014	Adopt(T)	2-1-2014

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414-800-0015	1-15-2014	Adopt(T)	2-1-2014	436-009-0070	4-1-2014	Repeal	4-1-2014
414-800-0020	1-15-2014	Adopt(T)	2-1-2014	436-009-0080	4-1-2014	Amend	4-1-2014
414-800-0025	1-15-2014	Adopt(T)	2-1-2014	436-009-0090	4-1-2014	Amend	4-1-2014
414-800-0030	1-15-2014	Adopt(T)	2-1-2014	436-009-0095	4-1-2014	Repeal	4-1-2014
414-800-0105	1-15-2014	Adopt(T)	2-1-2014	436-009-0110	4-1-2014	Amend	4-1-2014
414-800-0110	1-15-2014	Adopt(T)	2-1-2014	436-009-0114	4-1-2014	Repeal	4-1-2014
414-800-0115	1-15-2014	Adopt(T)	2-1-2014	436-009-0115	4-1-2014	Repeal	4-1-2014
414-800-0120	1-15-2014	Adopt(T)	2-1-2014	436-009-0120	4-1-2014	Repeal	4-1-2014
414-800-0125	1-15-2014	Adopt(T)	2-1-2014	436-009-0125	4-1-2014	Repeal	4-1-2014
414-800-0130	1-15-2014	Adopt(T)	2-1-2014	436-009-0130	4-1-2014	Repeal	4-1-2014
414-900-0005	1-15-2014	Adopt	2-1-2014	436-009-0135	4-1-2014	Repeal	4-1-2014
414-900-0010	1-15-2014	Adopt	2-1-2014	436-009-0140	4-1-2014	Repeal	4-1-2014
414-900-0015	1-15-2014	Adopt	2-1-2014	436-009-0145	4-1-2014	Repeal	4-1-2014
414-900-0020	1-15-2014	Adopt	2-1-2014	436-009-0155	4-1-2014	Repeal	4-1-2014
415-012-0000	1-28-2014	Amend(T)	3-1-2014	436-009-0160	4-1-2014	Repeal	4-1-2014
415-012-0057	12-20-2013	Adopt(T)	2-1-2014	436-009-0165	4-1-2014	Repeal	4-1-2014
415-012-0058	12-20-2013	Adopt(T)	2-1-2014	436-009-0170	4-1-2014	Repeal	4-1-2014
416-530-0000	1-15-2014	Amend	2-1-2014	436-009-0175	4-1-2014	Repeal	4-1-2014
416-530-0010	1-15-2014	Amend	2-1-2014	436-009-0177	4-1-2014	Repeal	4-1-2014
416-530-0020	1-15-2014	Amend	2-1-2014	436-009-0180	4-1-2014	Repeal	4-1-2014
416-530-0030	1-15-2014	Amend	2-1-2014	436-009-0185	4-1-2014	Repeal	4-1-2014
416-530-0035	1-15-2014	Amend	2-1-2014	436-009-0200	4-1-2014	Repeal	4-1-2014
416-530-0040	1-15-2014	Amend	2-1-2014	436-009-0205	4-1-2014	Repeal	4-1-2014
416-530-0050	1-15-2014	Amend	2-1-2014	436-009-0206	4-1-2014	Repeal	4-1-2014
416-530-0060	1-15-2014	Amend	2-1-2014	436-009-0207	4-1-2014	Repeal	4-1-2014
416-530-0070	1-15-2014	Amend	2-1-2014	436-009-0210	4-1-2014	Repeal	4-1-2014
416-530-0080	1-15-2014	Amend	2-1-2014	436-009-0215	4-1-2014	Repeal	4-1-2014
416-530-0090	1-15-2014	Amend	2-1-2014	436-009-0220	4-1-2014	Repeal	4-1-2014
416-530-0100	1-15-2014	Amend	2-1-2014	436-009-0225	4-1-2014	Repeal	4-1-2014
416-530-0110	1-15-2014	Amend	2-1-2014	436-009-0230	4-1-2014	Repeal	4-1-2014
416-530-0125	1-15-2014	Amend	2-1-2014	436-009-0235	4-1-2014	Repeal	4-1-2014
416-530-0130	1-15-2014	Amend	2-1-2014	436-009-0240	4-1-2014	Repeal	4-1-2014
416-530-0140	1-15-2014	Amend	2-1-2014	436-009-0245	4-1-2014	Repeal	4-1-2014
416-530-0150	1-15-2014	Amend	2-1-2014	436-009-0255	4-1-2014	Repeal	4-1-2014
416-530-0160	1-15-2014	Amend	2-1-2014	436-009-0260	4-1-2014	Repeal	4-1-2014
416-530-0170	1-15-2014	Amend	2-1-2014	436-009-0265	4-1-2014	Repeal	4-1-2014
416-530-0200	1-15-2014	Amend	2-1-2014	436-009-0270	4-1-2014	Repeal	4-1-2014
436-001-0030	3-28-2014	Amend	4-1-2014	436-009-0275	4-1-2014	Repeal	4-1-2014
436-009-0001	4-1-2014	Amend	4-1-2014	436-009-0285	4-1-2014	Repeal	4-1-2014
436-009-0002	4-1-2014	Repeal	4-1-2014	436-009-0290	4-1-2014	Repeal	4-1-2014
436-009-0003	4-1-2014	Repeal	4-1-2014	436-009-0998	4-1-2014	Amend	4-1-2014
436-009-0004	4-1-2014	Amend	4-1-2014	436-010-0005	4-1-2014	Amend	4-1-2014
436-009-0005	4-1-2014	Amend	4-1-2014	436-010-0230	4-1-2014	Amend	4-1-2014
436-009-0006	4-1-2014	Repeal	4-1-2014	436-010-0240	4-1-2014	Amend	4-1-2014
436-009-0008	4-1-2014	Amend	4-1-2014	436-010-0270	4-1-2014	Amend	4-1-2014
436-009-0010	4-1-2014	Amend	4-1-2014	436-010-0280	4-1-2014	Amend	4-1-2014
436-009-0015	4-1-2014	Repeal	4-1-2014	436-010-0290	4-1-2014	Amend	4-1-2014
436-009-0018	4-1-2014	Amend	4-1-2014	436-010-0330	4-1-2014	Amend	4-1-2014
436-009-0020	4-1-2014	Amend	4-1-2014	436-160-0410	7-1-2014	Amend	3-1-2014
436-009-0023	4-1-2014	Adopt	4-1-2014	437-002-0005	12-12-2013	Amend	1-1-2014
436-009-0025	4-1-2014	Amend	4-1-2014	437-002-0080	12-12-2013	Amend	1-1-2014
436-009-0030	4-1-2014	Amend	4-1-2014	437-002-0140	12-12-2013	Amend	1-1-2014
436-009-0035	4-1-2014	Amend	4-1-2014	437-002-0312	12-12-2013	Amend	1-1-2014
436-009-0040	4-1-2014	Amend	4-1-2014	437-003-0001	12-12-2013	Amend	1-1-2014
436-009-0050	4-1-2014	Repeal	4-1-2014	438-005-0035	4-1-2014	Amend	1-1-2014

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438-006-0020	4-1-2014	Amend	1-1-2014	442-005-0250	2-1-2014	Repeal	3-1-2014
438-006-0031	4-1-2014	Amend	1-1-2014	442-005-0260	2-1-2014	Repeal	3-1-2014
438-006-0036	4-1-2014	Amend	1-1-2014	442-005-0270	2-1-2014	Repeal	3-1-2014
438-006-0045	4-1-2014	Amend	1-1-2014	442-005-0275	2-1-2014	Repeal	3-1-2014
438-006-0062	4-1-2014	Amend	1-1-2014	442-005-0280	2-1-2014	Repeal	3-1-2014
438-006-0075	4-1-2014	Amend	1-1-2014	442-005-0290	2-1-2014	Repeal	3-1-2014
438-006-0105	4-1-2014	Repeal	1-1-2014	442-005-0300	2-1-2014	Repeal	3-1-2014
438-007-0005	4-1-2014	Amend	1-1-2014	442-005-0310	2-1-2014	Repeal	3-1-2014
438-007-0018	4-1-2014	Amend	1-1-2014	442-005-0320	2-1-2014	Repeal	3-1-2014
438-007-0020	4-1-2014	Amend	1-1-2014	442-005-0330	2-1-2014	Repeal	3-1-2014
438-009-0020	4-1-2014	Amend	1-1-2014	442-005-0340	2-1-2014	Repeal	3-1-2014
438-011-0055	4-1-2014	Adopt	1-1-2014	442-006-0000	1-2-2014	Repeal	2-1-2014
441-505-2000	2-12-2014	Adopt	3-1-2014	442-006-0010	1-2-2014	Repeal	2-1-2014
441-730-0010	1-1-2014	Amend(T)	2-1-2014	442-006-0020	1-2-2014	Repeal	2-1-2014
441-730-0025	1-1-2014	Amend(T)	2-1-2014	442-006-0030	1-2-2014	Repeal	2-1-2014
441-730-0030	1-1-2014	Amend(T)	2-1-2014	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

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443-003-0045	1-1-2014	Adopt(T)	2-1-2014	461-115-0071(T)	1-1-2014	Repeal	2-1-2014
443-003-0050	1-1-2014	Adopt(T)	2-1-2014	461-115-0150	1-1-2014	Amend	2-1-2014
443-003-0055	1-1-2014	Adopt(T)	2-1-2014	461-115-0430	1-1-2014	Amend	2-1-2014
443-003-0060	1-1-2014	Adopt(T)	2-1-2014	461-115-0430(T)	1-1-2014	Repeal	2-1-2014
443-003-0065	1-1-2014	Adopt(T)	2-1-2014	461-115-0530	1-1-2014	Repeal	2-1-2014
443-003-0070	1-1-2014	Adopt(T)	2-1-2014	461-115-0705	1-1-2014	Repeal	2-1-2014
443-003-0070	2-26-2014	Adopt(T)	4-1-2014	461-120-0030	1-1-2014	Amend	2-1-2014
443-003-0075	1-1-2014	Adopt(T)	2-1-2014	461-120-0030(T)	1-1-2014	Repeal	2-1-2014
443-003-0080	1-1-2014	Adopt(T)	2-1-2014	461-120-0050	1-1-2014	Amend	2-1-2014
443-003-0085	1-1-2014	Adopt(T)	2-1-2014	461-120-0050(T)	1-1-2014	Repeal	2-1-2014
443-003-0090	1-1-2014	Adopt(T)	2-1-2014	461-120-0125	1-1-2014	Amend	2-1-2014
443-003-0095	1-1-2014	Adopt(T)	2-1-2014	461-120-0125(T)	1-1-2014	Repeal	2-1-2014
443-003-0100	1-1-2014	Adopt(T)	2-1-2014	461-120-0210	1-1-2014	Amend	2-1-2014
443-003-0105	1-1-2014	Adopt(T)	2-1-2014	461-120-0210(T)	1-1-2014	Repeal	2-1-2014
443-003-0110	1-1-2014	Adopt(T)	2-1-2014	461-120-0310	1-1-2014	Amend	2-1-2014
443-003-0115	1-1-2014	Adopt(T)	2-1-2014	461-120-0310(T)	1-1-2014	Repeal	2-1-2014
443-003-0120	1-1-2014	Adopt(T)	2-1-2014	461-120-0315	1-1-2014	Amend	2-1-2014
443-003-0125	1-1-2014	Adopt(T)	2-1-2014	461-120-0315(T)	1-1-2014	Repeal	2-1-2014
459-001-0030	1-31-2014	Amend	3-1-2014	461-120-0330	1-1-2014	Amend	2-1-2014
459-005-0525	1-31-2014	Amend	3-1-2014	461-120-0345	1-1-2014	Amend	2-1-2014
459-005-0545	1-31-2014	Amend	3-1-2014	461-120-0345(T)	1-1-2014	Repeal	2-1-2014
459-005-0610	11-22-2013	Amend	1-1-2014	461-120-0350	1-1-2014	Amend	2-1-2014
459-017-0060	1-31-2014	Amend	3-1-2014	461-120-0350(T)	1-1-2014	Repeal	2-1-2014
459-040-0060	11-22-2013	Amend	1-1-2014	461-120-0510	1-1-2014	Amend	2-1-2014
459-040-0070	11-22-2013	Amend	1-1-2014	461-120-0510(T)	1-1-2014	Repeal	2-1-2014
459-045-0010	11-22-2013	Amend	1-1-2014	461-120-0630	1-1-2014	Amend	2-1-2014
459-070-0100	1-31-2014	Amend	3-1-2014	461-120-0630(T)	1-1-2014	Repeal	2-1-2014
459-080-0500	1-31-2014	Amend	3-1-2014	461-125-0150	1-1-2014	Amend	2-1-2014
461-001-0000	1-1-2014	Amend	2-1-2014	461-125-0150(T)	1-1-2014	Repeal	2-1-2014
461-001-0000	1-1-2014	Amend(T)	2-1-2014	461-130-0328	1-1-2014	Amend	2-1-2014
461-001-0000(T)	1-1-2014	Repeal	2-1-2014	461-130-0328(T)	1-1-2014	Repeal	2-1-2014
461-001-0030	1-1-2014	Amend	2-1-2014	461-135-0010	1-1-2014	Amend	2-1-2014
461-025-0315	1-1-2014	Amend	2-1-2014	461-135-0010(T)	1-1-2014	Repeal	2-1-2014
461-025-0375	1-1-2014	Amend	2-1-2014	461-135-0070	1-1-2014	Amend	2-1-2014
461-101-0010	1-1-2014	Amend	2-1-2014	461-135-0070(T)	1-1-2014	Repeal	2-1-2014
461-101-0010(T)	1-1-2014	Repeal	2-1-2014	461-135-0080	1-1-2014	Amend	2-1-2014
461-105-0100	1-1-2014	Amend	2-1-2014	461-135-0080(T)	1-1-2014	Repeal	2-1-2014
461-105-0130	1-1-2014	Amend	2-1-2014	461-135-0095	1-1-2014	Repeal	2-1-2014
461-110-0210	1-1-2014	Amend	2-1-2014	461-135-0096	1-1-2014	Repeal	2-1-2014
461-110-0210(T)	1-1-2014	Repeal	2-1-2014	461-135-0170	1-1-2014	Repeal	2-1-2014
461-110-0330	1-1-2014	Amend	2-1-2014	461-135-0505	1-1-2014	Amend	2-1-2014
461-110-0330(T)	1-1-2014	Repeal	2-1-2014	461-135-0505	1-1-2014	Amend(T)	2-1-2014
461-110-0340	1-1-2014	Amend	2-1-2014	461-135-0780	1-1-2014	Amend	2-1-2014
461-110-0340(T)	1-1-2014	Repeal	2-1-2014	461-135-0832	1-1-2014	Amend	2-1-2014
461-110-0350	1-8-2014	Amend(T)	2-1-2014	461-135-0835	1-1-2014	Amend	2-1-2014
461-110-0400(T)	1-1-2014	Repeal	2-1-2014	461-135-0841	1-1-2014	Amend	2-1-2014
461-110-0530	1-1-2014	Amend	2-1-2014	461-135-0845	1-1-2014	Amend	2-1-2014
461-110-0530(T)	1-1-2014	Repeal	2-1-2014	461-135-0875	1-1-2014	Amend	2-1-2014
461-110-0630	1-1-2014	Amend	2-1-2014	461-135-0875(T)	1-1-2014	Repeal	2-1-2014
461-110-0630(T)	1-1-2014	Repeal	2-1-2014	461-135-0900	1-1-2014	Amend	2-1-2014
461-115-0016	1-1-2014	Amend(T)	2-1-2014	461-135-0900(T)	1-1-2014	Repeal	2-1-2014
461-115-0030	1-1-2014	Amend	2-1-2014	461-135-0930	1-1-2014	Amend	2-1-2014
461-115-0030(T)	1-1-2014	Repeal	2-1-2014	461-135-0930(T)	1-1-2014	Repeal	2-1-2014
461-115-0050	1-1-2014	Amend	2-1-2014	461-135-0950	1-1-2014	Amend	2-1-2014
461-115-0050(T)	1-1-2014	Repeal	2-1-2014	461-135-0950(T)	1-1-2014	Repeal	2-1-2014

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461-135-1070	1-1-2014	Amend	2-1-2014	461-145-0410(T)	1-1-2014	Repeal	2-1-2014
461-135-1070(T)	1-1-2014	Repeal	2-1-2014	461-145-0420	1-1-2014	Amend	2-1-2014
461-135-1100	1-1-2014	Repeal	2-1-2014	461-145-0420(T)	1-1-2014	Repeal	2-1-2014
461-135-1101	1-1-2014	Repeal	2-1-2014	461-145-0430	1-1-2014	Amend	2-1-2014
461-135-1102	1-1-2014	Repeal	2-1-2014	461-145-0430(T)	1-1-2014	Repeal	2-1-2014
461-135-1120	1-1-2014	Repeal	2-1-2014	461-145-0433	1-1-2014	Amend	2-1-2014
461-135-1125	1-1-2014	Repeal	2-1-2014	461-145-0433(T)	1-1-2014	Repeal	2-1-2014
461-135-1149	1-1-2014	Repeal	2-1-2014	461-145-0440	1-1-2014	Amend	2-1-2014
461-140-0020	1-1-2014	Amend	2-1-2014	461-145-0440(T)	1-1-2014	Repeal	2-1-2014
461-140-0040	1-1-2014	Amend	2-1-2014	461-145-0455	1-1-2014	Amend	2-1-2014
461-140-0040(T)	1-1-2014	Repeal	2-1-2014	461-145-0455(T)	1-1-2014	Repeal	2-1-2014
461-140-0120	1-1-2014	Amend	2-1-2014	461-145-0460	1-1-2014	Amend	2-1-2014
461-140-0120(T)	1-1-2014	Repeal	2-1-2014	461-145-0460(T)	1-1-2014	Repeal	2-1-2014
461-140-0210	1-1-2014	Amend	2-1-2014	461-145-0470	1-1-2014	Amend	2-1-2014
461-140-0210(T)	1-1-2014	Repeal	2-1-2014	461-145-0470(T)	1-1-2014	Repeal	2-1-2014
461-140-0270	1-1-2014	Amend	2-1-2014	461-145-0505	1-1-2014	Amend	2-1-2014
461-140-0270(T)	1-1-2014	Repeal	2-1-2014	461-145-0505(T)	1-1-2014	Repeal	2-1-2014
461-140-0300	1-1-2014	Amend	2-1-2014	461-145-0510	1-1-2014	Amend	2-1-2014
461-145-0040	1-1-2014	Amend	2-1-2014	461-145-0510(T)	1-1-2014	Repeal	2-1-2014
461-145-0040(T)	1-1-2014	Repeal	2-1-2014	461-145-0540	1-1-2014	Amend	2-1-2014
461-145-0050	1-1-2014	Amend	2-1-2014	461-145-0540(T)	1-1-2014	Repeal	2-1-2014
461-145-0050(T)	1-1-2014	Repeal	2-1-2014	461-145-0580	1-1-2014	Amend	2-1-2014
461-145-0080	1-1-2014	Amend	2-1-2014	461-145-0580(T)	1-1-2014	Repeal	2-1-2014
461-145-0080(T)	1-1-2014	Repeal	2-1-2014	461-145-0590	1-1-2014	Amend	2-1-2014
461-145-0086	1-1-2014	Amend	2-1-2014	461-145-0590(T)	1-1-2014	Repeal	2-1-2014
461-145-0086(T)	1-1-2014	Repeal	2-1-2014	461-145-0600	1-1-2014	Amend	2-1-2014
461-145-0090	1-1-2014	Amend	2-1-2014	461-145-0600(T)	1-1-2014	Repeal	2-1-2014
461-145-0090(T)	1-1-2014	Repeal	2-1-2014	461-145-0820	1-1-2014	Amend	2-1-2014
461-145-0110	1-1-2014	Amend	2-1-2014	461-145-0820(T)	1-1-2014	Repeal	2-1-2014
461-145-0110(T)	1-1-2014	Repeal	2-1-2014	461-145-0830	1-1-2014	Amend	2-1-2014
461-145-0120	1-1-2014	Amend	2-1-2014	461-145-0830(T)	1-1-2014	Repeal	2-1-2014
461-145-0120(T)	1-1-2014	Repeal	2-1-2014	461-145-0860	1-1-2014	Amend	2-1-2014
461-145-0130	1-1-2014	Amend	2-1-2014	461-145-0860(T)	1-1-2014	Repeal	2-1-2014
461-145-0130(T)	1-1-2014	Repeal	2-1-2014	461-145-0870	1-1-2014	Repeal	2-1-2014
461-145-0150	1-1-2014	Amend	2-1-2014	461-145-0910	1-1-2014	Amend	2-1-2014
461-145-0150(T)	1-1-2014	Repeal	2-1-2014	461-145-0910(T)	1-1-2014	Repeal	2-1-2014
461-145-0220	1-1-2014	Amend	2-1-2014	461-145-0920	1-1-2014	Amend	2-1-2014
461-145-0220(T)	1-1-2014	Repeal	2-1-2014	461-145-0920(T)	1-1-2014	Repeal	2-1-2014
461-145-0230	1-1-2014	Amend	2-1-2014	461-145-0930	1-1-2014	Amend	2-1-2014
461-145-0230(T)	1-1-2014	Repeal	2-1-2014	461-145-0930(T)	1-1-2014	Repeal	2-1-2014
461-145-0250	1-1-2014	Amend	2-1-2014	461-150-0020	1-1-2014	Amend	2-1-2014
461-145-0250(T)	1-1-2014	Repeal	2-1-2014	461-150-0020(T)	1-1-2014	Repeal	2-1-2014
461-145-0280	1-1-2014	Amend(T)	2-1-2014	461-150-0055	1-1-2014	Repeal	2-1-2014
461-145-0300	1-1-2014	Amend	2-1-2014	461-150-0060	1-1-2014	Amend	2-1-2014
461-145-0300(T)	1-1-2014	Repeal	2-1-2014	461-150-0060(T)	1-1-2014	Repeal	2-1-2014
461-145-0330	1-1-2014	Amend	2-1-2014	461-150-0070	1-1-2014	Amend	2-1-2014
461-145-0330(T)	1-1-2014	Repeal	2-1-2014	461-150-0070(T)	1-1-2014	Repeal	2-1-2014
461-145-0340	1-1-2014	Amend	2-1-2014	461-150-0080	1-1-2014	Amend	2-1-2014
461-145-0340(T)	1-1-2014	Repeal	2-1-2014	461-150-0080(T)	1-1-2014	Repeal	2-1-2014
461-145-0360	1-1-2014	Amend	2-1-2014	461-150-0090	1-1-2014	Amend	2-1-2014
461-145-0360(T)	1-1-2014	Repeal	2-1-2014	461-150-0090(T)	1-1-2014	Repeal	2-1-2014
461-145-0365	1-1-2014	Amend	2-1-2014	461-155-0030	1-1-2014	Amend	2-1-2014
461-145-0365(T)	1-1-2014	Repeal	2-1-2014	461-155-0030(T)	1-1-2014	Repeal	2-1-2014
461-145-0380	1-1-2014	Amend	2-1-2014	461-155-0180	1-1-2014	Amend	2-1-2014
461-145-0380(T)	1-1-2014	Repeal	2-1-2014	461-155-0180	2-1-2014	Amend	3-1-2014

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461-155-0180(T)	1-1-2014	Repeal	2-1-2014	461-175-0206	1-1-2014	Amend	2-1-2014
461-155-0225	1-1-2014	Amend	2-1-2014	461-175-0210	1-1-2014	Amend	2-1-2014
461-155-0225(T)	1-1-2014	Repeal	2-1-2014	461-175-0210(T)	1-1-2014	Repeal	2-1-2014
461-155-0235	1-1-2014	Repeal	2-1-2014	461-175-0270	1-1-2014	Amend	2-1-2014
461-155-0250	1-1-2014	Amend	2-1-2014	461-175-0270(T)	1-1-2014	Repeal	2-1-2014
461-155-0270	1-1-2014	Amend	2-1-2014	461-175-0305	1-1-2014	Amend	2-1-2014
461-155-0290	3-1-2014	Amend(T)	3-1-2014	461-175-0305(T)	1-1-2014	Repeal	2-1-2014
461-155-0290	3-7-2014	Amend	4-1-2014	461-180-0010	1-1-2014	Amend	2-1-2014
461-155-0290(T)	3-7-2014	Repeal	4-1-2014	461-180-0010(T)	1-1-2014	Repeal	2-1-2014
461-155-0291	3-1-2014	Amend(T)	3-1-2014	461-180-0020	1-1-2014	Amend	2-1-2014
461-155-0291	3-7-2014	Amend	4-1-2014	461-180-0020(T)	1-1-2014	Repeal	2-1-2014
461-155-0291(T)	3-7-2014	Repeal	4-1-2014	461-180-0050	1-1-2014	Amend	2-1-2014
461-155-0295	3-1-2014	Amend(T)	3-1-2014	461-180-0050(T)	1-1-2014	Repeal	2-1-2014
461-155-0295	3-7-2014	Amend	4-1-2014	461-180-0065	1-1-2014	Amend	2-1-2014
461-155-0295(T)	3-7-2014	Repeal	4-1-2014	461-180-0065(T)	1-1-2014	Repeal	2-1-2014
461-155-0300	1-1-2014	Amend	2-1-2014	461-180-0085	1-1-2014	Amend	2-1-2014
461-155-0350	1-1-2014	Amend	2-1-2014	461-180-0085(T)	1-1-2014	Repeal	2-1-2014
461-155-0350(T)	1-1-2014	Repeal	2-1-2014	461-180-0090	1-1-2014	Amend	2-1-2014
461-155-0670	1-1-2014	Amend	2-1-2014	461-180-0090(T)	1-1-2014	Repeal	2-1-2014
461-155-0670(T)	1-1-2014	Repeal	2-1-2014	461-180-0097(T)	1-1-2014	Repeal	2-1-2014
461-160-0015	1-1-2014	Amend	2-1-2014	461-180-0100	1-1-2014	Amend	2-1-2014
461-160-0015(T)	1-1-2014	Repeal	2-1-2014	461-180-0100(T)	1-1-2014	Repeal	2-1-2014
461-160-0040	1-1-2014	Amend	2-1-2014	461-180-0105	1-1-2014	Amend	2-1-2014
461-160-0040(T)	1-1-2014	Repeal	2-1-2014	461-180-0105(T)	1-1-2014	Repeal	2-1-2014
461-160-0060	1-1-2014	Amend	2-1-2014	461-180-0120	1-1-2014	Amend	2-1-2014
461-160-0060(T)	1-1-2014	Repeal	2-1-2014	461-180-0120(T)	1-1-2014	Repeal	2-1-2014
461-160-0100	1-1-2014	Amend	2-1-2014	461-180-0140	1-1-2014	Amend	2-1-2014
461-160-0100(T)	1-1-2014	Repeal	2-1-2014	461-180-0140(T)	1-1-2014	Repeal	2-1-2014
461-160-0120	1-1-2014	Repeal	2-1-2014	461-185-0050	1-1-2014	Amend	2-1-2014
461-160-0125	1-1-2014	Repeal	2-1-2014	461-190-0211	3-5-2014	Amend(T)	4-1-2014
461-160-0160	1-1-2014	Amend	2-1-2014	461-195-0301	1-1-2014	Amend	2-1-2014
461-160-0160(T)	1-1-2014	Repeal	2-1-2014	461-195-0310	1-1-2014	Amend	2-1-2014
461-160-0190	1-1-2014	Repeal	2-1-2014	461-195-0551	1-1-2014	Amend	2-1-2014
461-160-0200	1-1-2014	Repeal	2-1-2014	462-120-0060	2-13-2014	Amend	3-1-2014
461-160-0580	1-1-2014	Amend	2-1-2014	462-200-0635	2-13-2014	Adopt	3-1-2014
461-160-0620	1-1-2014	Amend	2-1-2014	471-020-0010	2-28-2014	Amend	4-1-2014
461-160-0620	2-1-2014	Amend	3-1-2014	471-020-0010(T)	2-28-2014	Repeal	4-1-2014
461-160-0630	1-1-2014	Amend	2-1-2014	471-020-0035	2-28-2014	Amend	4-1-2014
461-160-0630(T)	1-1-2014	Repeal	2-1-2014	471-020-0035(T)	2-28-2014	Repeal	4-1-2014
461-160-0700	1-1-2014	Repeal	2-1-2014	471-030-0036	2-23-2014	Amend	2-1-2014
461-160-0780	1-1-2014	Amend	2-1-2014	471-030-0036	2-23-2014	Amend	2-1-2014
461-165-0030	1-1-2014	Amend	2-1-2014	471-030-0040	2-23-2014	Amend	2-1-2014
461-165-0030(T)	1-1-2014	Repeal	2-1-2014	471-030-0040	2-23-2014	Amend	2-1-2014
461-165-0070	1-1-2014	Amend	2-1-2014	471-030-0040(T)	2-23-2014	Repeal	2-1-2014
461-165-0120	1-1-2014	Amend	2-1-2014	471-030-0040(T)	2-23-2014	Repeal	2-1-2014
461-165-0120(T)	1-1-2014	Repeal	2-1-2014	471-030-0045	2-23-2014	Amend	2-1-2014
461-165-0180	3-1-2014	Amend(T)	3-1-2014	471-030-0045	2-23-2014	Amend	2-1-2014
461-170-0011	1-1-2014	Amend	2-1-2014	471-030-0045(T)	2-23-2014	Repeal	2-1-2014
461-170-0011(T)	1-1-2014	Repeal	2-1-2014	471-030-0045(T)	2-23-2014	Repeal	2-1-2014
461-170-0130	1-1-2014	Amend	2-1-2014	471-030-0052	2-23-2014	Amend	2-1-2014
461-170-0130(T)	1-1-2014	Repeal	2-1-2014	471-030-0052	2-23-2014	Amend	2-1-2014
461-170-0200	1-1-2014	Amend	2-1-2014	471-030-0052(T)	2-23-2014	Repeal	2-1-2014
461-170-0200(T)	1-1-2014	Repeal	2-1-2014	471-030-0052(T)	2-23-2014	Repeal	2-1-2014
461-175-0200	1-1-2014	Amend	2-1-2014	471-030-0053	2-23-2014	Amend	2-1-2014
461-175-0200(T)	1-1-2014	Repeal	2-1-2014	471-030-0053	2-23-2014	Amend	2-1-2014
461-175-0203(T)	1-1-2014	Repeal	2-1-2014	471-030-0053(T)	2-23-2014	Repeal	2-1-2014

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471-030-0053(T)	2-23-2014	Repeal	2-1-2014	581-017-0105	12-18-2013	Adopt	2-1-2014
471-030-0058	2-23-2014	Adopt	2-1-2014	581-017-0110	12-18-2013	Adopt	2-1-2014
471-030-0058	2-23-2014	Adopt	2-1-2014	581-017-0115	12-18-2013	Adopt	2-1-2014
471-030-0058(T)	2-23-2014	Repeal	2-1-2014	581-017-0200	2-19-2014	Adopt	4-1-2014
471-030-0058(T)	2-23-2014	Repeal	2-1-2014	581-017-0205	2-19-2014	Adopt	4-1-2014
471-030-0078	2-23-2014	Repeal	2-1-2014	581-017-0210	2-19-2014	Adopt	4-1-2014
471-030-0078	2-23-2014	Repeal	2-1-2014	581-017-0215	2-19-2014	Adopt	4-1-2014
471-030-0083	2-23-2014	Adopt	2-1-2014	581-017-0220	2-19-2014	Adopt	4-1-2014
471-030-0083	2-23-2014	Adopt	2-1-2014	581-017-0300	11-22-2013	Adopt(T)	1-1-2014
471-030-0210	2-23-2014	Amend	2-1-2014	581-017-0305	11-22-2013	Adopt(T)	1-1-2014
471-030-0210	2-23-2014	Amend	2-1-2014	581-017-0308	11-22-2013	Adopt(T)	1-1-2014
471-031-0151	2-23-2014	Amend	2-1-2014	581-017-0311	11-22-2013	Adopt(T)	1-1-2014
471-031-0151	2-23-2014	Amend	2-1-2014	581-017-0314	11-22-2013	Adopt(T)	1-1-2014
471-040-0020	2-23-2014	Amend	2-1-2014	581-017-0317	11-22-2013	Adopt(T)	1-1-2014
471-040-0020	2-23-2014	Amend	2-1-2014	581-017-0320	11-22-2013	Adopt(T)	1-1-2014
574-050-0005	1-28-2014	Amend	3-1-2014	581-017-0323	11-22-2013	Adopt(T)	1-1-2014
576-005-0005	2-11-2014	Amend(T)	3-1-2014	581-017-0326	11-22-2013	Adopt(T)	1-1-2014
576-005-0010	2-11-2014	Amend(T)	3-1-2014	581-017-0329	11-22-2013	Adopt(T)	1-1-2014
576-005-0020	2-11-2014	Amend(T)	3-1-2014	581-017-0332	11-22-2013	Adopt(T)	1-1-2014
576-005-0025	2-11-2014	Amend(T)	3-1-2014	581-017-0335	2-19-2014	Adopt(T)	4-1-2014
576-005-0032	2-11-2014	Amend(T)	3-1-2014	581-017-0338	2-19-2014	Adopt(T)	4-1-2014
576-005-0041	2-11-2014	Amend(T)	3-1-2014	581-017-0341	2-19-2014	Adopt(T)	4-1-2014
576-010-0000	12-18-2013	Amend	2-1-2014	581-017-0344	2-19-2014	Adopt(T)	4-1-2014
576-010-0000	4-9-2014	Amend(T)	4-1-2014	581-017-0347	2-19-2014	Adopt(T)	4-1-2014
576-015-0043	3-6-2014	Amend(T)	4-1-2014	581-017-0350	2-19-2014	Adopt(T)	4-1-2014
576-015-0045	3-6-2014	Amend(T)	4-1-2014	581-017-0353	2-19-2014	Adopt(T)	4-1-2014
576-015-0050	3-6-2014	Amend(T)	4-1-2014	581-017-0356	2-19-2014	Adopt(T)	4-1-2014
576-015-0052	3-6-2014	Adopt(T)	4-1-2014	581-017-0359	2-19-2014	Adopt(T)	4-1-2014
576-015-0056	3-6-2014	Amend(T)	4-1-2014	581-017-0362	2-19-2014	Adopt(T)	4-1-2014
576-015-0060	3-6-2014	Amend(T)	4-1-2014	581-018-0005	12-18-2013	Adopt	2-1-2014
579-040-0005	12-6-2013	Amend	1-1-2014	581-018-0010	12-18-2013	Adopt	2-1-2014
579-040-0007	12-6-2013	Amend	1-1-2014	581-018-0020	12-18-2013	Adopt	2-1-2014
579-040-0010	12-6-2013	Amend	1-1-2014	581-018-0100	12-18-2013	Adopt	2-1-2014
579-040-0013	12-6-2013	Amend	1-1-2014	581-018-0105	12-18-2013	Adopt	2-1-2014
579-040-0015	12-6-2013	Amend	1-1-2014	581-018-0110	12-18-2013	Adopt	2-1-2014
579-040-0020	12-6-2013	Repeal	1-1-2014	581-018-0115	12-18-2013	Adopt	2-1-2014
579-040-0030	12-6-2013	Amend	1-1-2014	581-018-0120	12-18-2013	Adopt	2-1-2014
579-040-0035	12-6-2013	Amend	1-1-2014	581-018-0125	12-18-2013	Adopt	2-1-2014
579-040-0045	12-6-2013	Amend	1-1-2014	581-018-0200	12-18-2013	Adopt	2-1-2014
579-070-0010	12-6-2013	Amend	1-1-2014	581-018-0205	12-18-2013	Adopt	2-1-2014
579-070-0030	12-6-2013	Amend	1-1-2014	581-018-0210	12-18-2013	Adopt	2-1-2014
579-070-0035	12-6-2013	Amend	1-1-2014	581-018-0215	12-18-2013	Adopt	2-1-2014
579-070-0041	12-6-2013	Amend	1-1-2014	581-018-0220	12-18-2013	Adopt	2-1-2014
579-070-0042	12-6-2013	Amend	1-1-2014	581-018-0225	12-18-2013	Adopt	2-1-2014
579-070-0045	12-6-2013	Amend	1-1-2014	581-018-0250	12-18-2013	Adopt	2-1-2014
580-021-0030	11-20-2013	Amend(T)	1-1-2014	581-018-0255	12-18-2013	Adopt	2-1-2014
581-015-2000	12-18-2013	Amend	2-1-2014	581-018-0260	12-18-2013	Adopt	2-1-2014
581-015-2245	12-18-2013	Amend	2-1-2014	581-018-0265	12-18-2013	Adopt	2-1-2014
581-015-2540	12-18-2013	Amend	2-1-2014	581-018-0270	12-18-2013	Adopt	2-1-2014
581-015-2550	12-18-2013	Amend	2-1-2014	581-018-0275	12-18-2013	Adopt	2-1-2014
581-015-2555	12-18-2013	Amend	2-1-2014	581-018-0300	2-19-2014	Adopt	4-1-2014
581-015-2930	12-18-2013	Adopt	2-1-2014	581-018-0305	2-19-2014	Adopt	4-1-2014
581-017-0005	12-18-2013	Adopt	2-1-2014	581-018-0310	2-19-2014	Adopt	4-1-2014
581-017-0010	12-18-2013	Adopt	2-1-2014	581-018-0315	2-19-2014	Adopt	4-1-2014
581-017-0020	12-18-2013	Adopt	2-1-2014	581-018-0320	2-19-2014	Adopt	4-1-2014
581-017-0100	12-18-2013	Adopt	2-1-2014	581-018-0325	2-19-2014	Adopt	4-1-2014

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581-018-0330	2-19-2014	Adopt(T)	4-1-2014	581-020-0390	2-19-2014	Am. & Ren.	4-1-2014
581-018-0333	2-19-2014	Adopt(T)	4-1-2014	581-020-0395	2-19-2014	Am. & Ren.	4-1-2014
581-018-0336	2-19-2014	Adopt(T)	4-1-2014	581-021-0031	3-12-2014	Adopt(T)	4-1-2014
581-018-0380	11-22-2013	Adopt(T)	1-1-2014	581-021-0500	2-19-2014	Amend	4-1-2014
581-018-0385	11-22-2013	Adopt(T)	1-1-2014	581-021-0550	2-19-2014	Amend	4-1-2014
581-018-0390	11-22-2013	Adopt(T)	1-1-2014	581-021-0550	3-4-2014	Amend	4-1-2014
581-018-0395	11-22-2013	Adopt(T)	1-1-2014	581-021-0553	2-19-2014	Amend	4-1-2014
581-018-0397	11-22-2013	Adopt(T)	1-1-2014	581-021-0553	3-4-2014	Amend	4-1-2014
581-018-0399	11-22-2013	Adopt(T)	1-1-2014	581-021-0556	2-19-2014	Amend	4-1-2014
581-018-0400	11-22-2013	Adopt(T)	1-1-2014	581-021-0556	3-4-2014	Amend	4-1-2014
581-018-0405	11-22-2013	Adopt(T)	1-1-2014	581-021-0559	2-19-2014	Amend	4-1-2014
581-018-0410	11-22-2013	Adopt(T)	1-1-2014	581-021-0559	3-4-2014	Amend	4-1-2014
581-018-0415	11-22-2013	Adopt(T)	1-1-2014	581-021-0563	2-19-2014	Amend	4-1-2014
581-018-0420	11-22-2013	Adopt(T)	1-1-2014	581-021-0563	3-4-2014	Amend	4-1-2014
581-018-0424	11-22-2013	Adopt(T)	1-1-2014	581-021-0566	2-19-2014	Amend	4-1-2014
581-018-0430	12-18-2013	Adopt(T)	2-1-2014	581-021-0566	3-4-2014	Amend	4-1-2014
581-018-0433	12-18-2013	Adopt(T)	2-1-2014	581-021-0568	2-19-2014	Adopt	4-1-2014
581-018-0436	12-18-2013	Adopt(T)	2-1-2014	581-021-0568	3-4-2014	Amend	4-1-2014
581-018-0439	12-18-2013	Adopt(T)	2-1-2014	581-021-0569	2-19-2014	Adopt	4-1-2014
581-018-0442	12-18-2013	Adopt(T)	2-1-2014	581-021-0569	3-4-2014	Amend	4-1-2014
581-018-0500	2-19-2014	Adopt(T)	4-1-2014	581-021-0570	2-19-2014	Adopt	4-1-2014
581-018-0503	2-19-2014	Adopt(T)	4-1-2014	581-021-0570	3-4-2014	Amend	4-1-2014
581-018-0506	2-19-2014	Adopt(T)	4-1-2014	581-022-0606	12-18-2013	Amend	2-1-2014
581-018-0509	2-19-2014	Adopt(T)	4-1-2014	581-023-0015	12-18-2013	Amend	2-1-2014
581-018-0512	2-19-2014	Adopt(T)	4-1-2014	581-023-0102	7-1-2014	Adopt	4-1-2014
581-018-0515	2-19-2014	Adopt(T)	4-1-2014	581-026-0005	2-19-2014	Adopt	4-1-2014
581-018-0540	2-19-2014	Adopt(T)	4-1-2014	581-026-0055	2-19-2014	Adopt	4-1-2014
581-018-0540	3-4-2014	Adopt(T)	4-1-2014	581-026-0060	2-19-2014	Adopt	4-1-2014
581-018-0543	2-19-2014	Adopt(T)	4-1-2014	581-026-0110	2-19-2014	Adopt	4-1-2014
581-018-0543	3-4-2014	Adopt(T)	4-1-2014	581-026-0125	2-19-2014	Adopt	4-1-2014
581-018-0546	2-19-2014	Adopt(T)	4-1-2014	581-026-0130	2-19-2014	Adopt	4-1-2014
581-018-0546	3-4-2014	Adopt(T)	4-1-2014	581-045-0586	2-19-2014	Amend	4-1-2014
581-018-0549	2-19-2014	Adopt(T)	4-1-2014	581-054-0007	2-19-2014	Repeal	4-1-2014
581-018-0549	3-4-2014	Adopt(T)	4-1-2014	584-018-0125	3-15-2014	Amend	4-1-2014
581-018-0552	2-19-2014	Adopt(T)	4-1-2014	584-020-0040	3-15-2014	Amend	4-1-2014
581-018-0552	3-4-2014	Adopt(T)	4-1-2014	584-023-0005	3-15-2014	Amend(T)	4-1-2014
581-018-0553	2-19-2014	Adopt(T)	4-1-2014	584-023-0030	3-15-2014	Adopt(T)	4-1-2014
581-018-0553	3-4-2014	Adopt(T)	4-1-2014	584-036-0070	3-15-2014	Amend	4-1-2014
581-018-0556	2-19-2014	Adopt(T)	4-1-2014	584-050-0030	3-15-2014	Amend	4-1-2014
581-018-0556	3-4-2014	Adopt(T)	4-1-2014	584-050-0060	3-15-2014	Amend	4-1-2014
581-020-0301	2-19-2014	Am. & Ren.	4-1-2014	584-050-0066	3-15-2014	Amend	4-1-2014
581-020-0311	2-19-2014	Am. & Ren.	4-1-2014	584-060-0012	3-15-2014	Amend	4-1-2014
581-020-0321	2-19-2014	Am. & Ren.	4-1-2014	584-060-0013	3-15-2014	Amend	4-1-2014
581-020-0331	2-19-2014	Am. & Ren.	4-1-2014	584-060-0014	3-15-2014	Amend	4-1-2014
581-020-0334	2-19-2014	Am. & Ren.	4-1-2014	584-060-0051	3-15-2014	Amend	4-1-2014
581-020-0336	2-19-2014	Am. & Ren.	4-1-2014	584-060-0052	3-15-2014	Amend	4-1-2014
581-020-0338	2-19-2014	Am. & Ren.	4-1-2014	584-060-0200	3-15-2014	Amend	4-1-2014
581-020-0341	2-19-2014	Repeal	4-1-2014	584-060-0525	3-15-2014	Adopt(T)	4-1-2014
581-020-0342	2-19-2014	Am. & Ren.	4-1-2014	584-060-0530	3-15-2014	Adopt(T)	4-1-2014
581-020-0343	2-19-2014	Am. & Ren.	4-1-2014	584-066-0015	3-15-2014	Adopt	4-1-2014
581-020-0345	2-19-2014	Repeal	4-1-2014	584-070-0012	3-15-2014	Amend(T)	4-1-2014
581-020-0359	12-18-2013	Amend	2-1-2014	584-070-0211	3-15-2014	Amend	4-1-2014
581-020-0359	2-19-2014	Am. & Ren.	4-1-2014	584-070-0271	3-15-2014	Amend	4-1-2014
581-020-0361	2-19-2014	Am. & Ren.	4-1-2014	584-080-0008	3-15-2014	Amend(T)	4-1-2014
581-020-0380	2-19-2014	Am. & Ren.	4-1-2014	584-080-0012	3-15-2014	Amend	4-1-2014

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584-100-0061	3-15-2014	Amend(T)	4-1-2014	635-011-0100	1-1-2014	Amend	2-1-2014
584-100-0066	3-15-2014	Amend(T)	4-1-2014	635-011-0104	12-1-2013	Amend(T)	1-1-2014
584-100-0071	3-15-2014	Amend(T)	4-1-2014	635-011-0104	12-9-2013	Amend	1-1-2014
589-002-0120	12-16-2013	Amend(T)	2-1-2014	635-011-0104(T)	12-9-2013	Repeal	1-1-2014
589-006-0050	3-14-2014	Amend(T)	4-1-2014	635-013-0004	1-1-2014	Amend	2-1-2014
589-006-0100	3-14-2014	Amend(T)	4-1-2014	635-014-0080	1-1-2014	Amend	2-1-2014
589-006-0150	3-14-2014	Amend(T)	4-1-2014	635-014-0090	1-1-2014	Amend	2-1-2014
589-006-0200	3-14-2014	Amend(T)	4-1-2014	635-016-0080	1-1-2014	Amend	2-1-2014
589-006-0300	3-14-2014	Amend(T)	4-1-2014	635-016-0090	1-1-2014	Amend	2-1-2014
589-006-0350	3-14-2014	Amend(T)	4-1-2014	635-017-0080	1-1-2014	Amend	2-1-2014
589-006-0400	3-14-2014	Amend(T)	4-1-2014	635-017-0090	1-1-2014	Amend	2-1-2014
589-007-0400	3-14-2014	Amend(T)	4-1-2014	635-017-0095	1-1-2014	Amend	2-1-2014
589-007-0500	3-14-2014	Amend(T)	4-1-2014	635-018-0080	1-1-2014	Amend	2-1-2014
603-052-0126	2-14-2014	Amend	3-1-2014	635-018-0090	1-1-2014	Amend	2-1-2014
603-052-0127	2-14-2014	Amend	3-1-2014	635-018-0090	4-15-2014	Amend(T)	4-1-2014
603-052-0129	2-14-2014	Amend	3-1-2014	635-019-0080	1-1-2014	Amend	2-1-2014
603-052-0150	2-14-2014	Amend	3-1-2014	635-019-0090	1-1-2014	Amend	2-1-2014
603-052-1025	2-20-2014	Amend	4-1-2014	635-021-0080	1-1-2014	Amend	2-1-2014
603-052-1200	2-20-2014	Amend	4-1-2014	635-021-0090	1-1-2014	Amend	2-1-2014
603-052-1211	2-20-2014	Amend	4-1-2014	635-023-0080	1-1-2014	Amend	2-1-2014
603-052-1221	2-14-2014	Amend	3-1-2014	635-023-0090	1-1-2014	Amend	2-1-2014
603-052-1241	1-15-2014	Adopt	2-1-2014	635-023-0090	3-1-2014	Amend(T)	3-1-2014
603-052-1320	2-14-2014	Amend	3-1-2014	635-023-0095	1-1-2014	Amend	2-1-2014
603-100-0010	2-24-2014	Amend	4-1-2014	635-023-0095	1-1-2014	Amend(T)	1-1-2014
629-060-0000	1-1-2014	Am. & Ren.	1-1-2014	635-023-0095	2-1-2014	Amend(T)	3-1-2014
629-060-0005	1-1-2014	Am. & Ren.	1-1-2014	635-023-0095	2-24-2014	Amend(T)	4-1-2014
629-061-0000	1-1-2014	Am. & Ren.	1-1-2014	635-023-0095(T)	1-1-2014	Suspend	1-1-2014
629-061-0005	1-1-2014	Am. & Ren.	1-1-2014	635-023-0095(T)	2-1-2014	Suspend	3-1-2014
629-061-0015	1-1-2014	Am. & Ren.	1-1-2014	635-023-0095(T)	2-24-2014	Suspend	4-1-2014
629-061-0020	1-1-2014	Am. & Ren.	1-1-2014	635-023-0125	1-1-2014	Amend	2-1-2014
629-061-0025	1-1-2014	Repeal	1-1-2014	635-023-0125	3-1-2014	Amend(T)	3-1-2014
629-061-0035	1-1-2014	Am. & Ren.	1-1-2014	635-023-0128	1-1-2014	Amend	2-1-2014
629-061-0040	1-1-2014	Repeal	1-1-2014	635-023-0130	1-1-2014	Amend	2-1-2014
629-061-0045	1-1-2014	Repeal	1-1-2014	635-023-0134	1-1-2014	Amend	2-1-2014
629-061-0050	1-1-2014	Repeal	1-1-2014	635-023-0140	2-1-2014	Adopt(T)	3-1-2014
629-061-0060	1-1-2014	Am. & Ren.	1-1-2014	635-023-0140	2-10-2014	Adopt	3-1-2014
629-061-0065	1-1-2014	Am. & Ren.	1-1-2014	635-023-0140(T)	2-10-2014	Repeal	3-1-2014
629-061-0075	1-1-2014	Repeal	1-1-2014	635-039-0080	1-1-2014	Amend	2-1-2014
629-165-0005	1-1-2014	Adopt	1-1-2014	635-039-0090	1-1-2014	Amend	2-1-2014
629-165-0010	1-1-2014	Adopt	1-1-2014	635-041-0045	3-12-2014	Amend(T)	4-1-2014
629-165-0200	1-1-2014	Adopt	1-1-2014	635-041-0061	2-1-2014	Amend(T)	3-1-2014
629-165-0210	1-1-2014	Adopt	1-1-2014	635-041-0061	3-1-2014	Amend(T)	4-1-2014
635-004-0215	1-1-2014	Amend	2-1-2014	635-041-0061	3-12-2014	Amend(T)	4-1-2014
635-004-0275	12-9-2013	Amend(T)	1-1-2014	635-041-0061(T)	3-1-2014	Suspend	4-1-2014
635-004-0275	1-1-2014	Amend	2-1-2014	635-041-0061(T)	3-12-2014	Suspend	4-1-2014
635-004-0275(T)	12-9-2013	Suspend	1-1-2014	635-041-0065	2-1-2014	Amend(T)	3-1-2014
635-004-0320	1-1-2014	Amend	2-1-2014	635-041-0065	2-26-2014	Amend(T)	4-1-2014
635-004-0350	1-1-2014	Amend	2-1-2014	635-041-0065	3-1-2014	Amend(T)	4-1-2014
635-004-0360	1-1-2014	Amend	2-1-2014	635-041-0065	3-12-2014	Amend(T)	4-1-2014
635-004-0505	1-1-2014	Amend(T)	1-1-2014	635-041-0065(T)	2-26-2014	Suspend	4-1-2014
635-005-0465	12-1-2013	Amend(T)	1-1-2014	635-041-0065(T)	3-1-2014	Suspend	4-1-2014
635-005-0705	12-9-2013	Amend(T)	1-1-2014	635-041-0065(T)	3-12-2014	Suspend	4-1-2014
635-006-0210	1-1-2014	Amend	2-1-2014	635-042-0130	2-10-2014	Amend(T)	3-1-2014
635-006-0213	1-1-2014	Amend	2-1-2014	635-042-0145	2-10-2014	Amend(T)	3-1-2014
635-006-0232	1-13-2014	Amend	2-1-2014	635-042-0145	3-10-2014	Amend(T)	4-1-2014

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635-042-0145(T)	3-10-2014	Suspend	4-1-2014	660-033-0140	1-1-2014	Amend	2-1-2014
635-042-0145(T)	3-17-2014	Suspend	4-1-2014	661-010-0000	2-26-2014	Amend	4-1-2014
635-042-0160	2-10-2014	Amend(T)	3-1-2014	661-010-0021	1-1-2014	Amend	2-1-2014
635-042-0170	2-10-2014	Amend(T)	3-1-2014	661-010-0025	1-1-2014	Amend	2-1-2014
635-042-0180	2-10-2014	Amend(T)	3-1-2014	661-010-0030	1-1-2014	Amend	2-1-2014
635-055-0002	3-11-2014	Amend	4-1-2014	661-010-0050	1-1-2014	Amend	2-1-2014
635-055-0030	3-11-2014	Amend	4-1-2014	661-010-0067	1-1-2014	Amend	2-1-2014
635-055-0035	3-11-2014	Amend	4-1-2014	661-010-0071	1-1-2014	Amend	2-1-2014
635-055-0037	3-11-2014	Amend	4-1-2014	661-010-0073	1-1-2014	Amend	2-1-2014
635-056-0000	3-11-2014	Amend	4-1-2014	661-010-0075	1-1-2014	Amend	2-1-2014
635-056-0002	3-11-2014	Adopt	4-1-2014	710-001-0000	2-11-2014	Adopt	3-1-2014
635-056-0050	3-11-2014	Amend	4-1-2014	710-001-0005	2-11-2014	Adopt	3-1-2014
635-056-0060	3-11-2014	Amend	4-1-2014	710-005-0005	2-11-2014	Adopt	3-1-2014
635-056-0130	3-11-2014	Amend	4-1-2014	715-001-0020	2-19-2014	Adopt(T)	4-1-2014
635-056-0140	3-11-2014	Amend	4-1-2014	715-001-0025	2-19-2014	Adopt(T)	4-1-2014
635-056-0150	3-11-2014	Amend	4-1-2014	731-035-0010	12-20-2013	Amend	2-1-2014
635-065-0001	12-20-2013	Amend	2-1-2014	731-035-0020	12-20-2013	Amend	2-1-2014
635-065-0011	12-20-2013	Amend	2-1-2014	731-035-0050	12-20-2013	Amend	2-1-2014
635-065-0015	12-20-2013	Amend	2-1-2014	731-035-0060	12-20-2013	Amend	2-1-2014
635-065-0090	12-20-2013	Amend	2-1-2014	731-035-0080	12-20-2013	Amend	2-1-2014
635-065-0401	12-20-2013	Amend	2-1-2014	731-147-0010	1-1-2014	Amend	2-1-2014
635-065-0501	12-20-2013	Amend	2-1-2014	731-147-0040	1-1-2014	Amend	2-1-2014
635-065-0705	12-20-2013	Amend	2-1-2014	731-149-0010	1-1-2014	Amend	2-1-2014
635-065-0740	12-20-2013	Amend	2-1-2014	734-020-0010	2-21-2014	Amend	4-1-2014
635-065-0760	12-20-2013	Amend	2-1-2014	734-026-0010	11-25-2013	Amend	1-1-2014
635-065-0765	12-20-2013	Amend	2-1-2014	734-026-0020	11-25-2013	Amend	1-1-2014
635-065-0772	3-13-2014	Amend(T)	4-1-2014	734-026-0030	11-25-2013	Amend	1-1-2014
635-066-0000	12-20-2013	Amend	2-1-2014	734-051-8010	1-1-2014	Adopt(T)	2-1-2014
635-066-0010	12-20-2013	Amend	2-1-2014	734-051-8015	1-1-2014	Adopt(T)	2-1-2014
635-067-0000	12-20-2013	Amend	2-1-2014	734-051-8020	1-1-2014	Adopt(T)	2-1-2014
635-067-0041	12-20-2013	Amend	2-1-2014	734-051-8025	1-1-2014	Adopt(T)	2-1-2014
635-068-0000	2-27-2014	Amend	4-1-2014	734-051-8030	1-1-2014	Adopt(T)	2-1-2014
635-069-0000	1-22-2014	Amend	3-1-2014	734-055-0017	11-25-2013	Repeal	1-1-2014
635-070-0000	3-11-2014	Amend	4-1-2014	735-010-0250	12-20-2013	Adopt	2-1-2014
635-070-0020	2-12-2014	Amend(T)	3-1-2014	735-018-0010	12-20-2013	Amend	2-1-2014
635-070-0020	3-11-2014	Amend	4-1-2014	735-018-0130	12-20-2013	Adopt	2-1-2014
635-070-0020(T)	2-12-2014	Suspend	3-1-2014	735-050-0120	11-25-2013	Amend	1-1-2014
635-071-0000	3-11-2014	Amend	4-1-2014	735-050-0120(T)	11-25-2013	Repeal	1-1-2014
635-072-0000	12-20-2013	Amend	2-1-2014	735-062-0007	1-1-2014	Amend	2-1-2014
635-073-0000	1-22-2014	Amend	3-1-2014	735-062-0010	1-1-2014	Amend	2-1-2014
635-110-0000	1-14-2014	Amend	2-1-2014	735-062-0385	1-1-2014	Amend	2-1-2014
635-110-0010	1-14-2014	Amend	2-1-2014	735-064-0070	1-1-2014	Amend	2-1-2014
635-110-0010(T)	1-14-2014	Repeal	2-1-2014	735-070-0082	1-1-2014	Adopt	2-1-2014
635-110-0020	1-14-2014	Amend	2-1-2014	735-070-0085	11-25-2013	Amend	1-1-2014
635-110-0030	1-14-2014	Amend	2-1-2014	735-070-0085(T)	11-25-2013	Repeal	1-1-2014
656-030-0020	1-24-2014	Amend	3-1-2014	735-070-0185	1-1-2014	Amend	2-1-2014
656-030-0040	1-24-2014	Amend	3-1-2014	735-070-0190	1-1-2014	Amend	2-1-2014
656-040-0010	1-24-2014	Amend	3-1-2014	735-072-0035	1-1-2014	Amend	2-1-2014
660-006-0025	1-1-2014	Amend	2-1-2014	735-150-0045	1-1-2014	Amend	2-1-2014
660-006-0026	1-1-2014	Amend	2-1-2014	735-150-0105	1-1-2014	Amend	2-1-2014
660-006-0055	1-1-2014	Amend	2-1-2014	735-152-0037	1-1-2014	Amend	2-1-2014
660-018-0020	1-1-2014	Amend	2-1-2014	736-010-0040	3-6-2014	Amend	4-1-2014
660-018-0040	1-1-2014	Amend	2-1-2014	737-015-0010	3-1-2014	Amend	3-1-2014
660-033-0030	1-1-2014	Amend	2-1-2014	737-015-0020	3-1-2014	Amend	3-1-2014
660-033-0120	1-1-2014	Amend	2-1-2014	737-015-0030	3-1-2014	Amend	3-1-2014

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737-015-0070	3-1-2014	Amend	3-1-2014	812-003-0180	1-1-2014	Amend	2-1-2014
737-015-0074	3-1-2014	Adopt	3-1-2014	812-003-0220	1-1-2014	Repeal	2-1-2014
737-015-0076	3-1-2014	Adopt	3-1-2014	812-003-0221	1-1-2014	Amend	2-1-2014
737-015-0085	3-1-2014	Adopt	3-1-2014	812-003-0240	1-1-2014	Amend	2-1-2014
737-015-0090	3-1-2014	Amend	3-1-2014	812-003-0250	1-1-2014	Amend	2-1-2014
737-015-0100	3-1-2014	Amend	3-1-2014	812-003-0260	1-1-2014	Amend	2-1-2014
737-015-0105	3-1-2014	Adopt	3-1-2014	812-003-0290	1-1-2014	Amend	2-1-2014
737-015-0110	3-1-2014	Amend	3-1-2014	812-003-0310	1-1-2014	Amend	2-1-2014
737-015-0120	3-1-2014	Adopt	3-1-2014	812-003-0320	1-1-2014	Amend	2-1-2014
737-015-0130	3-1-2014	Adopt	3-1-2014	812-003-0390	1-1-2014	Amend	2-1-2014
737-025-0010	2-26-2014	Amend	4-1-2014	812-003-0400	1-1-2014	Amend	2-1-2014
740-200-0010	1-1-2014	Amend	2-1-2014	812-003-0430	1-1-2014	Amend	2-1-2014
740-200-0020	1-1-2014	Amend	2-1-2014	812-003-0440	1-1-2014	Amend	2-1-2014
740-200-0040	1-1-2014	Amend	2-1-2014	812-008-0030	1-1-2014	Amend	2-1-2014
741-040-0040	12-20-2013	Amend	2-1-2014	812-008-0040	1-1-2014	Amend	2-1-2014
800-010-0020	2-1-2014	Amend	3-1-2014	812-012-0110	1-1-2014	Amend	2-1-2014
800-010-0025	2-1-2014	Amend	3-1-2014	812-021-0005	1-1-2014	Amend	2-1-2014
800-010-0040	2-1-2014	Amend	3-1-2014	812-021-0021	1-1-2014	Amend	2-1-2014
800-010-0041	2-1-2014	Amend	3-1-2014	812-021-0045	1-1-2014	Amend	2-1-2014
800-010-0050	2-1-2014	Amend	3-1-2014	812-021-0047	1-1-2014	Amend	2-1-2014
800-015-0015	2-1-2014	Amend	3-1-2014	812-022-0010	2-6-2014	Amend	3-1-2014
800-020-0025	2-1-2014	Amend	3-1-2014	812-022-0010(T)	2-6-2014	Repeal	3-1-2014
800-020-0065	2-1-2014	Amend	3-1-2014	812-022-0015	11-26-2013	Amend(T)	1-1-2014
800-025-0020	2-1-2014	Amend	3-1-2014	812-022-0015	2-6-2014	Amend	3-1-2014
800-025-0040	2-1-2014	Amend	3-1-2014	812-022-0015(T)	2-6-2014	Repeal	3-1-2014
800-025-0060	2-1-2014	Amend	3-1-2014	812-022-0021	11-26-2013	Amend(T)	1-1-2014
801-001-0035	3-1-2014	Amend	3-1-2014	812-022-0021	2-6-2014	Amend	3-1-2014
801-010-0050	3-1-2014	Amend	3-1-2014	812-022-0021(T)	2-6-2014	Repeal	3-1-2014
801-010-0085	3-1-2014	Amend	3-1-2014	812-022-0025	12-12-2013	Amend(T)	1-1-2014
804-003-0000	12-12-2013	Amend	1-1-2014	812-022-0025	2-6-2014	Amend	3-1-2014
804-022-0005	12-12-2013	Amend	1-1-2014	812-022-0025(T)	2-6-2014	Repeal	3-1-2014
804-022-0010	12-12-2013	Amend	1-1-2014	812-022-0026	12-12-2013	Amend(T)	1-1-2014
804-025-0010	12-12-2013	Amend	1-1-2014	812-022-0026	2-6-2014	Amend	3-1-2014
806-010-0035	1-1-2014	Amend	2-1-2014	812-022-0026(T)	2-6-2014	Repeal	3-1-2014
806-010-0045	1-1-2014	Amend	2-1-2014	812-022-0027	12-12-2013	Amend(T)	1-1-2014
808-002-0240	2-1-2014	Amend	3-1-2014	812-022-0027	2-6-2014	Amend	3-1-2014
808-003-0035	3-1-2014	Amend	4-1-2014	812-022-0027(T)	2-6-2014	Repeal	3-1-2014
808-003-0040	3-1-2014	Amend	4-1-2014	812-022-0028	2-6-2014	Amend	3-1-2014
808-003-0040	3-1-2014	Amend(T)	4-1-2014	812-022-0028(T)	2-6-2014	Repeal	3-1-2014
808-003-0045	3-1-2014	Amend	4-1-2014	812-022-0029	2-6-2014	Adopt	3-1-2014
808-003-0045	3-1-2014	Amend(T)	4-1-2014	812-022-0029(T)	2-6-2014	Repeal	3-1-2014
808-003-0060	3-1-2014	Amend	4-1-2014	812-022-0034	2-6-2014	Adopt	3-1-2014
808-003-0065	3-1-2014	Amend(T)	4-1-2014	812-022-0034(T)	2-6-2014	Repeal	3-1-2014
811-015-0005	11-27-2013	Amend	1-1-2014	812-022-0035	2-6-2014	Adopt	3-1-2014
811-035-0015	1-29-2014	Amend	3-1-2014	812-022-0035(T)	2-6-2014	Repeal	3-1-2014
812-002-0120	1-1-2014	Amend	2-1-2014	812-025-0000	1-1-2014	Amend	2-1-2014
812-003-0130	1-1-2014	Repeal	2-1-2014	812-025-0005	1-1-2014	Amend	2-1-2014
812-003-0131	1-1-2014	Amend	2-1-2014	812-025-0010	1-1-2014	Amend	2-1-2014
812-003-0140	1-1-2014	Repeal	2-1-2014	812-030-0000	1-1-2014	Amend	2-1-2014
812-003-0141	1-1-2014	Repeal	2-1-2014	812-030-0240	1-1-2014	Amend	2-1-2014
812-003-0150	1-1-2014	Repeal	2-1-2014	812-032-0000	1-1-2014	Adopt	2-1-2014
812-003-0152	1-1-2014	Amend	2-1-2014	812-032-0100	1-1-2014	Adopt	2-1-2014
812-003-0153	1-1-2014	Amend	2-1-2014	812-032-0110	1-1-2014	Adopt	2-1-2014
812-003-0170	1-1-2014	Repeal	2-1-2014	812-032-0120	1-1-2014	Adopt	2-1-2014
812-003-0171	1-1-2014	Amend	2-1-2014	812-032-0123	1-1-2014	Adopt	2-1-2014

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812-032-0135	1-1-2014	Adopt	2-1-2014	813-046-0065(T)	2-10-2014	Suspend	3-1-2014
812-032-0140	1-1-2014	Adopt	2-1-2014	813-046-0070	1-27-2014	Amend(T)	3-1-2014
812-032-0150	1-1-2014	Adopt	2-1-2014	813-046-0070(T)	2-10-2014	Suspend	3-1-2014
813-001-0007	12-18-2013	Amend	2-1-2014	813-046-0081	1-27-2014	Amend(T)	3-1-2014
813-001-0007	12-18-2013	Amend	2-1-2014	813-046-0081(T)	2-10-2014	Suspend	3-1-2014
813-001-0007(T)	12-18-2013	Amend	2-1-2014	813-046-0100	1-27-2014	Suspend	3-1-2014
813-001-0007(T)	12-18-2013	Repeal	2-1-2014	813-046-0100(T)	2-10-2014	Suspend	3-1-2014
813-005-0001	12-18-2013	Amend	2-1-2014	813-049-0001	1-27-2014	Amend(T)	3-1-2014
813-005-0001(T)	12-18-2013	Repeal	2-1-2014	813-049-0001(T)	2-10-2014	Suspend	3-1-2014
813-005-0005	12-18-2013	Amend	2-1-2014	813-049-0005	1-27-2014	Amend(T)	3-1-2014
813-005-0005(T)	12-18-2013	Repeal	2-1-2014	813-049-0005(T)	2-10-2014	Suspend	3-1-2014
813-005-0016	12-18-2013	Amend	2-1-2014	813-049-0007	1-27-2014	Adopt(T)	3-1-2014
813-005-0016(T)	12-18-2013	Repeal	2-1-2014	813-049-0007(T)	2-10-2014	Suspend	3-1-2014
813-005-0020	12-18-2013	Adopt	2-1-2014	813-049-0010	1-27-2014	Amend(T)	3-1-2014
813-005-0020(T)	12-18-2013	Repeal	2-1-2014	813-049-0010(T)	2-10-2014	Suspend	3-1-2014
813-005-0030	12-18-2013	Adopt	2-1-2014	813-049-0020	1-27-2014	Amend(T)	3-1-2014
813-005-0030(T)	12-18-2013	Repeal	2-1-2014	813-049-0020(T)	2-10-2014	Suspend	3-1-2014
813-005-0040	12-18-2013	Adopt	2-1-2014	813-049-0035	1-27-2014	Adopt(T)	3-1-2014
813-005-0040(T)	12-18-2013	Repeal	2-1-2014	813-049-0035(T)	2-10-2014	Suspend	3-1-2014
813-005-0050	12-18-2013	Adopt	2-1-2014	813-049-0040	1-27-2014	Adopt(T)	3-1-2014
813-005-0050(T)	12-18-2013	Repeal	2-1-2014	813-049-0040(T)	2-10-2014	Suspend	3-1-2014
813-005-0060	12-18-2013	Adopt	2-1-2014	813-049-0050	1-27-2014	Adopt(T)	3-1-2014
813-005-0060(T)	12-18-2013	Repeal	2-1-2014	813-049-0050(T)	2-10-2014	Suspend	3-1-2014
813-005-0070	12-18-2013	Adopt	2-1-2014	813-049-0060	1-27-2014	Adopt(T)	3-1-2014
813-005-0070(T)	12-18-2013	Repeal	2-1-2014	813-049-0060(T)	2-10-2014	Suspend	3-1-2014
813-006-0005	12-18-2013	Amend	2-1-2014	813-051-0000	1-27-2014	Amend(T)	3-1-2014
813-006-0005(T)	12-18-2013	Repeal	2-1-2014	813-051-0000(T)	2-10-2014	Suspend	3-1-2014
813-006-0010	12-18-2013	Amend	2-1-2014	813-051-0010	1-27-2014	Amend(T)	3-1-2014
813-006-0010(T)	12-18-2013	Repeal	2-1-2014	813-051-0010(T)	2-10-2014	Suspend	3-1-2014
813-006-0015	12-18-2013	Amend	2-1-2014	813-051-0020	1-27-2014	Amend(T)	3-1-2014
813-006-0015(T)	12-18-2013	Repeal	2-1-2014	813-051-0020(T)	2-10-2014	Suspend	3-1-2014
813-006-0020	12-18-2013	Amend	2-1-2014	813-051-0030	1-27-2014	Amend(T)	3-1-2014
813-006-0020(T)	12-18-2013	Repeal	2-1-2014	813-051-0030(T)	2-10-2014	Suspend	3-1-2014
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(T)	12-18-2013	Repeal	2-1-2014
813-046-0045	1-27-2014	Amend(T)	3-1-2014	813-055-0010	12-18-2013	Amend	2-1-2014
813-046-0045(T)	2-10-2014	Suspend	3-1-2014	813-055-0010(T)	12-18-2013	Repeal	2-1-2014
813-046-0050	1-27-2014	Amend(T)	3-1-2014	813-055-0020	12-18-2013	Amend	2-1-2014
813-046-0050(T)	2-10-2014	Suspend	3-1-2014	813-055-0020(T)	12-18-2013	Repeal	2-1-2014
813-046-0061	1-27-2014	Amend(T)	3-1-2014	813-055-0040	12-18-2013	Amend	2-1-2014
813-046-0061(T)	2-10-2014	Suspend	3-1-2014	813-055-0040(T)	12-18-2013	Repeal	2-1-2014

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813-055-0050(T)	12-18-2013	Repeal	2-1-2014	813-130-0010	12-18-2013	Amend	2-1-2014
813-055-0060	12-18-2013	Repeal	2-1-2014	813-130-0010(T)	12-18-2013	Repeal	2-1-2014
813-055-0065	12-18-2013	Adopt	2-1-2014	813-130-0020	12-18-2013	Amend	2-1-2014
813-055-0065(T)	12-18-2013	Repeal	2-1-2014	813-130-0020(T)	12-18-2013	Repeal	2-1-2014
813-055-0075	12-18-2013	Amend	2-1-2014	813-130-0030	12-18-2013	Amend	2-1-2014
813-055-0075(T)	12-18-2013	Repeal	2-1-2014	813-130-0030(T)	12-18-2013	Repeal	2-1-2014
813-055-0085	12-18-2013	Amend	2-1-2014	813-130-0040	12-18-2013	Amend	2-1-2014
813-055-0085(T)	12-18-2013	Repeal	2-1-2014	813-130-0040(T)	12-18-2013	Repeal	2-1-2014
813-055-0095	12-18-2013	Adopt	2-1-2014	813-130-0050	12-18-2013	Amend	2-1-2014
813-055-0095(T)	12-18-2013	Repeal	2-1-2014	813-130-0050(T)	12-18-2013	Repeal	2-1-2014
813-055-0100	12-18-2013	Repeal	2-1-2014	813-130-0060	12-18-2013	Amend	2-1-2014
813-055-0105	12-18-2013	Amend	2-1-2014	813-130-0060(T)	12-18-2013	Repeal	2-1-2014
813-055-0105(T)	12-18-2013	Repeal	2-1-2014	813-130-0070	12-18-2013	Amend	2-1-2014
813-055-0110	12-18-2013	Repeal	2-1-2014	813-130-0070(T)	12-18-2013	Repeal	2-1-2014
813-055-0115	12-18-2013	Amend	2-1-2014	813-130-0080	12-18-2013	Amend	2-1-2014
813-055-0115(T)	12-18-2013	Repeal	2-1-2014	813-130-0080(T)	12-18-2013	Repeal	2-1-2014
813-110-0005	12-18-2013	Amend	2-1-2014	813-130-0090	12-18-2013	Amend	2-1-2014
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

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813-200-0010	1-27-2014	Amend(T)	3-1-2014	813-205-0050(T)	12-18-2013	Repeal	2-1-2014
813-200-0010(T)	2-10-2014	Suspend	3-1-2014	813-205-0051	12-18-2013	Amend	2-1-2014
813-200-0017	1-27-2014	Adopt(T)	3-1-2014	813-205-0051(T)	12-18-2013	Repeal	2-1-2014
813-200-0017(T)	2-10-2014	Suspend	3-1-2014	813-205-0052	12-18-2013	Amend	2-1-2014
813-200-0019	1-27-2014	Adopt(T)	3-1-2014	813-205-0052(T)	12-18-2013	Repeal	2-1-2014
813-200-0019(T)	2-10-2014	Suspend	3-1-2014	813-205-0060	12-18-2013	Amend	2-1-2014
813-200-0020	1-27-2014	Amend(T)	3-1-2014	813-205-0060(T)	12-18-2013	Repeal	2-1-2014
813-200-0020(T)	2-10-2014	Suspend	3-1-2014	813-205-0070	12-18-2013	Amend	2-1-2014
813-200-0030	1-27-2014	Amend(T)	3-1-2014	813-205-0070(T)	12-18-2013	Repeal	2-1-2014
813-200-0030(T)	2-10-2014	Suspend	3-1-2014	813-205-0080	12-18-2013	Amend	2-1-2014
813-200-0040	1-27-2014	Amend(T)	3-1-2014	813-205-0080(T)	12-18-2013	Repeal	2-1-2014
813-200-0040(T)	2-10-2014	Suspend	3-1-2014	813-205-0082	12-18-2013	Adopt	2-1-2014
813-200-0050	1-27-2014	Amend(T)	3-1-2014	813-205-0082(T)	12-18-2013	Repeal	2-1-2014
813-200-0050(T)	2-10-2014	Suspend	3-1-2014	813-205-0085	12-18-2013	Amend	2-1-2014
813-200-0055	1-27-2014	Adopt(T)	3-1-2014	813-205-0085(T)	12-18-2013	Repeal	2-1-2014
813-200-0055(T)	2-10-2014	Suspend	3-1-2014	813-205-0100	12-18-2013	Amend	2-1-2014
813-200-0060	1-27-2014	Suspend	3-1-2014	813-205-0100(T)	12-18-2013	Repeal	2-1-2014
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	Repeal	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	Repeal	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

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813-210-0085	1-27-2014	Adopt(T)	3-1-2014	813-250-0040(T)	2-10-2014	Suspend	3-1-2014
813-210-0085(T)	2-10-2014	Suspend	3-1-2014	813-250-0055	1-27-2014	Adopt(T)	3-1-2014
813-220-0001	1-27-2014	Amend(T)	3-1-2014	813-250-0055(T)	2-10-2014	Suspend	3-1-2014
813-220-0001(T)	2-10-2014	Suspend	3-1-2014	813-250-0060	1-27-2014	Adopt(T)	3-1-2014
813-220-0005	1-27-2014	Amend(T)	3-1-2014	813-250-0060(T)	2-10-2014	Suspend	3-1-2014
813-220-0005(T)	2-10-2014	Suspend	3-1-2014	813-250-0070	1-27-2014	Adopt(T)	3-1-2014
813-220-0010	1-27-2014	Amend(T)	3-1-2014	813-250-0070(T)	2-10-2014	Suspend	3-1-2014
813-220-0010(T)	2-10-2014	Suspend	3-1-2014	813-300-0010	12-18-2013	Amend(T)	2-1-2014
813-220-0015	1-27-2014	Amend(T)	3-1-2014	817-005-0005	3-1-2014	Amend	4-1-2014
813-220-0015(T)	2-10-2014	Suspend	3-1-2014	817-010-0007	3-1-2014	Amend	4-1-2014
813-220-0020	1-27-2014	Amend(T)	3-1-2014	817-010-0009	3-1-2014	Repeal	4-1-2014
813-220-0020(T)	2-10-2014	Suspend	3-1-2014	817-010-0014	1-1-2014	Amend	2-1-2014
813-220-0030	1-27-2014	Amend(T)	3-1-2014	817-010-0021	3-1-2014	Amend	4-1-2014
813-220-0030(T)	2-10-2014	Suspend	3-1-2014	817-010-0035	3-1-2014	Amend	4-1-2014
813-220-0050	1-27-2014	Amend(T)	3-1-2014	817-010-0040	3-1-2014	Amend	4-1-2014
813-220-0050(T)	2-10-2014	Suspend	3-1-2014	817-010-0055	3-1-2014	Amend	4-1-2014
813-220-0060	1-27-2014	Amend(T)	3-1-2014	817-010-0060	3-1-2014	Amend	4-1-2014
813-220-0060(T)	2-10-2014	Suspend	3-1-2014	817-010-0065	3-1-2014	Amend	4-1-2014
813-220-0070	1-27-2014	Suspend	3-1-2014	817-010-0068	3-1-2014	Amend	4-1-2014
813-220-0070(T)	2-10-2014	Suspend	3-1-2014	817-010-0069	3-1-2014	Amend	4-1-2014
813-220-0080	1-27-2014	Adopt(T)	3-1-2014	817-010-0075	3-1-2014	Amend	4-1-2014
813-220-0080(T)	2-10-2014	Suspend	3-1-2014	817-010-0085	3-1-2014	Amend	4-1-2014
813-240-0001	1-27-2014	Amend(T)	3-1-2014	817-010-0095	3-1-2014	Amend	4-1-2014
813-240-0001(T)	2-10-2014	Suspend	3-1-2014	817-010-0101	3-1-2014	Amend	4-1-2014
813-240-0005	1-27-2014	Amend(T)	3-1-2014	817-010-0106	3-1-2014	Amend	4-1-2014
813-240-0005(T)	2-10-2014	Suspend	3-1-2014	817-010-0110	3-1-2014	Amend	4-1-2014
813-240-0010	1-27-2014	Amend(T)	3-1-2014	817-010-0300	3-1-2014	Repeal	4-1-2014
813-240-0010(T)	2-10-2014	Suspend	3-1-2014	817-015-0010	3-1-2014	Repeal	4-1-2014
813-240-0015	1-27-2014	Amend(T)	3-1-2014	817-015-0030	3-1-2014	Amend	4-1-2014
813-240-0015(T)	2-10-2014	Suspend	3-1-2014	817-015-0065	3-1-2014	Amend	4-1-2014
813-240-0020	1-27-2014	Amend(T)	3-1-2014	817-020-0001	3-1-2014	Amend	4-1-2014
813-240-0020(T)	2-10-2014	Suspend	3-1-2014	817-020-0006	3-1-2014	Amend	4-1-2014
813-240-0030	1-27-2014	Renumber	3-1-2014	817-020-0007	3-1-2014	Amend	4-1-2014
813-240-0041	1-27-2014	Amend(T)	3-1-2014	817-020-0009	3-1-2014	Amend	4-1-2014
813-240-0041(T)	2-10-2014	Suspend	3-1-2014	817-020-0305	3-1-2014	Amend	4-1-2014
813-240-0050	1-27-2014	Amend(T)	3-1-2014	817-020-0325	3-1-2014	Adopt	4-1-2014
813-240-0050(T)	2-10-2014	Suspend	3-1-2014	817-020-0350	3-1-2014	Adopt	4-1-2014
813-240-0060	1-27-2014	Amend(T)	3-1-2014	817-030-0003	3-1-2014	Amend	4-1-2014
813-240-0060(T)	2-10-2014	Suspend	3-1-2014	817-030-0005	3-1-2014	Amend	4-1-2014
813-240-0070	1-27-2014	Amend(T)	3-1-2014	817-030-0028	1-1-2014	Adopt	2-1-2014
813-240-0070(T)	2-10-2014	Suspend	3-1-2014	817-030-0030	3-1-2014	Amend	4-1-2014
813-240-0080	1-27-2014	Amend(T)	3-1-2014	817-030-0065	1-1-2014	Amend	2-1-2014
813-240-0080(T)	2-10-2014	Suspend	3-1-2014	817-030-0071	3-1-2014	Amend	4-1-2014
813-240-0090	1-27-2014	Suspend	3-1-2014	817-030-0080	3-1-2014	Amend	4-1-2014
813-240-0090(T)	2-10-2014	Suspend	3-1-2014	817-035-0010	3-1-2014	Amend	4-1-2014
813-250-0000	1-27-2014	Amend(T)	3-1-2014	817-035-0048	3-1-2014	Amend	4-1-2014
813-250-0000(T)	2-10-2014	Suspend	3-1-2014	817-035-0050	3-1-2014	Amend	4-1-2014
813-250-0005	1-27-2014	Adopt(T)	3-1-2014	817-035-0052	3-1-2014	Amend	4-1-2014
813-250-0005(T)	2-10-2014	Suspend	3-1-2014	817-035-0068	3-1-2014	Amend	4-1-2014
813-250-0015	1-27-2014	Adopt(T)	3-1-2014	817-035-0070	3-1-2014	Amend	4-1-2014
813-250-0015(T)	2-10-2014	Suspend	3-1-2014	817-035-0090	3-1-2014	Amend	4-1-2014
813-250-0020	1-27-2014	Amend(T)	3-1-2014	817-035-0093	3-1-2014	Adopt	4-1-2014
813-250-0020(T)	2-10-2014	Suspend	3-1-2014	817-035-0095	3-1-2014	Adopt	4-1-2014
813-250-0030	1-27-2014	Amend(T)	3-1-2014	817-035-0110	3-1-2014	Amend	4-1-2014
813-250-0030(T)	2-10-2014	Suspend	3-1-2014	817-060-0010	3-1-2014	Amend	4-1-2014

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817-060-0030	3-1-2014	Amend	4-1-2014	820-010-0620(T)	2-26-2014	Repeal	4-1-2014
817-060-0050	3-1-2014	Amend	4-1-2014	820-010-0621	12-5-2013	Amend(T)	1-1-2014
817-080-0005	3-1-2014	Repeal	4-1-2014	820-010-0621	2-26-2014	Amend	4-1-2014
817-090-0025	3-1-2014	Amend	4-1-2014	820-010-0621(T)	12-5-2013	Suspend	1-1-2014
817-090-0045	3-1-2014	Amend	4-1-2014	820-010-0621(T)	12-5-2013	Suspend	1-1-2014
817-090-0050	3-1-2014	Amend	4-1-2014	820-010-0621(T)	2-26-2014	Repeal	4-1-2014
817-090-0055	3-1-2014	Amend	4-1-2014	833-020-0051	1-8-2014	Amend	2-1-2014
817-090-0065	3-1-2014	Amend	4-1-2014	833-040-0021	1-8-2014	Amend	2-1-2014
817-090-0070	3-1-2014	Amend	4-1-2014	833-060-0012	1-8-2014	Amend	2-1-2014
817-090-0075	3-1-2014	Amend	4-1-2014	836-007-0001	12-31-2013	Adopt(T)	2-1-2014
817-090-0085	3-1-2014	Amend	4-1-2014	836-010-0011	1-1-2014	Amend	2-1-2014
817-090-0090	3-1-2014	Amend	4-1-2014	836-010-0051	1-1-2014	Adopt	2-1-2014
817-090-0105	3-1-2014	Amend	4-1-2014	836-011-0000	2-14-2014	Amend	3-1-2014
817-090-0110	3-1-2014	Amend	4-1-2014	836-011-0050	2-14-2014	Adopt	3-1-2014
817-090-0115	3-1-2014	Amend	4-1-2014	836-020-0770	1-1-2014	Amend	2-1-2014
817-100-0005	3-1-2014	Amend	4-1-2014	836-020-0775	1-1-2014	Amend	2-1-2014
817-120-0005	3-1-2014	Amend	4-1-2014	836-020-0780	1-1-2014	Amend	2-1-2014
820-001-0020	12-5-2013	Amend(T)	1-1-2014	836-020-0785	1-1-2014	Amend	2-1-2014
820-001-0020	2-26-2014	Amend	4-1-2014	836-020-0806	1-1-2014	Amend	2-1-2014
820-001-0020(T)	12-5-2013	Suspend	1-1-2014	836-027-0005	1-1-2014	Amend	2-1-2014
820-001-0020(T)	12-5-2013	Suspend	1-1-2014	836-027-0005	1-8-2014	Amend	2-1-2014
820-001-0020(T)	2-26-2014	Repeal	4-1-2014	836-027-0010	1-1-2014	Amend	2-1-2014
820-001-0025	12-5-2013	Amend(T)	1-1-2014	836-027-0010	1-8-2014	Amend	2-1-2014
820-001-0025	2-26-2014	Amend	4-1-2014	836-027-0030	1-1-2014	Amend	2-1-2014
820-010-0010	12-5-2013	Amend(T)	1-1-2014	836-027-0030	1-8-2014	Amend	2-1-2014
820-010-0010	2-26-2014	Amend	4-1-2014	836-027-0035	1-1-2014	Amend	2-1-2014
820-010-0010(T)	12-5-2013	Suspend	1-1-2014	836-027-0035	1-8-2014	Amend	2-1-2014
820-010-0010(T)	12-5-2013	Suspend	1-1-2014	836-027-0045	1-1-2014	Amend	2-1-2014
820-010-0010(T)	2-26-2014	Repeal	4-1-2014	836-027-0045	1-8-2014	Amend	2-1-2014
820-010-0225	2-14-2014	Amend(T)	3-1-2014	836-027-0050	1-1-2014	Amend	2-1-2014
820-010-0226	2-14-2014	Amend(T)	3-1-2014	836-027-0050	1-8-2014	Amend	2-1-2014
820-010-0227	12-5-2013	Amend(T)	1-1-2014	836-027-0100	1-1-2014	Amend	2-1-2014
820-010-0227	2-14-2014	Amend(T)	3-1-2014	836-027-0100	1-8-2014	Amend	2-1-2014
820-010-0227(T)	12-5-2013	Suspend	1-1-2014	836-027-0125	1-1-2014	Adopt	2-1-2014
820-010-0227(T)	12-5-2013	Suspend	1-1-2014	836-027-0125	1-8-2014	Adopt	2-1-2014
820-010-0228	12-5-2013	Amend(T)	1-1-2014	836-027-0140	1-1-2014	Adopt	2-1-2014
820-010-0228	2-14-2014	Amend(T)	3-1-2014	836-027-0140	1-8-2014	Adopt	2-1-2014
820-010-0228(T)	12-5-2013	Suspend	1-1-2014	836-052-0142	12-5-2013	Amend(T)	1-1-2014
820-010-0228(T)	12-5-2013	Suspend	1-1-2014	836-052-0676	1-1-2014	Amend	2-1-2014
820-010-0260(T)	12-5-2013	Suspend	1-1-2014	836-052-0800	1-1-2014	Amend	2-1-2014
820-010-0260(T)	12-5-2013	Suspend	1-1-2014	836-052-0830	1-1-2014	Repeal	2-1-2014
820-010-0305	12-5-2013	Amend(T)	1-1-2014	836-052-0860	1-1-2014	Amend	2-1-2014
820-010-0305	2-26-2014	Amend	4-1-2014	836-053-0000	1-1-2014	Amend	2-1-2014
820-010-0305(T)	12-5-2013	Suspend	1-1-2014	836-053-0001	1-1-2014	Amend	2-1-2014
820-010-0305(T)	12-5-2013	Suspend	1-1-2014	836-053-0002	1-1-2014	Adopt	2-1-2014
820-010-0305(T)	2-26-2014	Repeal	4-1-2014	836-053-0003	1-1-2014	Amend	2-1-2014
820-010-0420	2-14-2014	Amend(T)	3-1-2014	836-053-0005	1-1-2014	Amend	2-1-2014
820-010-0442	12-5-2013	Amend(T)	1-1-2014	836-053-0007	1-1-2014	Amend	2-1-2014
820-010-0442	2-26-2014	Amend	4-1-2014	836-053-0008	1-1-2014	Adopt	2-1-2014
820-010-0442(T)	12-5-2013	Suspend	1-1-2014	836-053-0009	1-1-2014	Adopt	2-1-2014
820-010-0442(T)	12-5-2013	Suspend	1-1-2014	836-053-0021	1-1-2014	Amend	2-1-2014
820-010-0442(T)	2-26-2014	Repeal	4-1-2014	836-053-0030	1-1-2014	Amend	2-1-2014
820-010-0620	12-5-2013	Amend(T)	1-1-2014	836-053-0040	1-1-2014	Repeal	2-1-2014
820-010-0620	2-26-2014	Amend	4-1-2014	836-053-0050	1-1-2014	Amend	2-1-2014
820-010-0620(T)	12-5-2013	Suspend	1-1-2014	836-053-0060	1-1-2014	Repeal	2-1-2014

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836-053-0065	1-1-2014	Amend	2-1-2014	836-053-1342	1-1-2014	Amend	2-1-2014
836-053-0070	1-1-2014	Amend	2-1-2014	836-053-1345	1-1-2014	Amend	2-1-2014
836-053-0081	1-1-2014	Repeal	2-1-2014	836-053-1350	1-1-2014	Amend	2-1-2014
836-053-0210	1-1-2014	Repeal	2-1-2014	836-053-1355	1-1-2014	Amend	2-1-2014
836-053-0211	1-1-2014	Adopt	2-1-2014	836-053-1360	1-1-2014	Amend	2-1-2014
836-053-0220	1-1-2014	Repeal	2-1-2014	836-053-1365	1-1-2014	Amend	2-1-2014
836-053-0221	1-1-2014	Adopt	2-1-2014	836-053-1400	1-1-2014	Amend	2-1-2014
836-053-0250	1-1-2014	Repeal	2-1-2014	836-053-1401	1-1-2014	Repeal	2-1-2014
836-053-0410	1-1-2014	Amend	2-1-2014	836-053-1410	1-1-2014	Amend	2-1-2014
836-053-0415	1-1-2014	Amend	2-1-2014	836-053-1415	1-1-2014	Amend	2-1-2014
836-053-0430	1-1-2014	Repeal	2-1-2014	836-071-0405	1-1-2014	Adopt	2-1-2014
836-053-0431	1-1-2014	Adopt	2-1-2014	836-071-0410	1-1-2014	Adopt	2-1-2014
836-053-0431	2-4-2014	Amend(T)	3-1-2014	836-071-0415	1-1-2014	Adopt	2-1-2014
836-053-0440	1-1-2014	Repeal	2-1-2014	836-071-0420	1-1-2014	Adopt	2-1-2014
836-053-0460	1-1-2014	Repeal	2-1-2014	836-071-0425	1-1-2014	Adopt	2-1-2014
836-053-0465	1-1-2014	Amend	2-1-2014	836-071-0430	1-1-2014	Adopt	2-1-2014
836-053-0471	1-1-2014	Repeal	2-1-2014	836-075-0045	1-1-2014	Adopt	2-1-2014
836-053-0472	1-1-2014	Adopt	2-1-2014	836-080-0050	1-1-2014	Amend	2-1-2014
836-053-0473	1-1-2014	Adopt	2-1-2014	836-080-0055	1-1-2014	Amend	2-1-2014
836-053-0475	1-1-2014	Amend	2-1-2014	836-080-0080	1-1-2014	Amend	2-1-2014
836-053-0510	1-1-2014	Amend	2-1-2014	836-081-0005	1-1-2014	Amend	2-1-2014
836-053-0700	1-1-2014	Repeal	2-1-2014	836-082-0050	1-1-2014	Amend	2-1-2014
836-053-0710	1-1-2014	Repeal	2-1-2014	836-082-0055	1-1-2014	Amend	2-1-2014
836-053-0750	1-1-2014	Repeal	2-1-2014	836-085-0001	1-1-2014	Amend	2-1-2014
836-053-0760	1-1-2014	Repeal	2-1-2014	836-085-0005	1-1-2014	Amend	2-1-2014
836-053-0780	1-1-2014	Repeal	2-1-2014	836-085-0010	1-1-2014	Amend	2-1-2014
836-053-0785	1-1-2014	Repeal	2-1-2014	836-085-0025	1-1-2014	Amend	2-1-2014
836-053-0790	1-1-2014	Repeal	2-1-2014	836-085-0035	1-1-2014	Amend	2-1-2014
836-053-0800	1-1-2014	Repeal	2-1-2014	836-085-0045	1-1-2014	Amend	2-1-2014
836-053-0825	1-1-2014	Amend	2-1-2014	836-085-0050	1-1-2014	Amend	2-1-2014
836-053-0830	1-1-2014	Amend	2-1-2014	836-100-0011	1-1-2014	Repeal	2-1-2014
836-053-0835	1-1-2014	Adopt	2-1-2014	836-100-0016	1-1-2014	Repeal	2-1-2014
836-053-0851	1-1-2014	Amend	2-1-2014	836-100-0020	1-1-2014	Repeal	2-1-2014
836-053-0900	1-1-2014	Amend	2-1-2014	836-100-0025	1-1-2014	Repeal	2-1-2014
836-053-0910	1-1-2014	Amend	2-1-2014	836-100-0030	1-1-2014	Repeal	2-1-2014
836-053-1000	1-1-2014	Amend	2-1-2014	836-100-0035	1-1-2014	Repeal	2-1-2014
836-053-1020	1-1-2014	Amend	2-1-2014	836-100-0040	1-1-2014	Repeal	2-1-2014
836-053-1030	1-1-2014	Amend	2-1-2014	836-100-0045	1-1-2014	Repeal	2-1-2014
836-053-1035	1-1-2014	Amend	2-1-2014	836-100-0100	1-1-2014	Amend	2-1-2014
836-053-1040	1-1-2014	Repeal	2-1-2014	836-100-0105	1-1-2014	Amend	2-1-2014
836-053-1070	1-1-2014	Amend	2-1-2014	836-100-0110	1-1-2014	Amend	2-1-2014
836-053-1080	1-1-2014	Amend	2-1-2014	836-100-0115	1-1-2014	Amend	2-1-2014
836-053-1100	1-1-2014	Amend	2-1-2014	836-200-0400	1-2-2014	Adopt(T)	2-1-2014
836-053-1110	1-1-2014	Amend	2-1-2014	836-200-0405	1-2-2014	Adopt(T)	2-1-2014
836-053-1130	1-1-2014	Amend	2-1-2014	836-200-0410	1-2-2014	Adopt(T)	2-1-2014
836-053-1140	1-1-2014	Amend	2-1-2014	836-200-0415	1-2-2014	Adopt(T)	2-1-2014
836-053-1170	1-1-2014	Amend	2-1-2014	836-200-0420	1-2-2014	Adopt(T)	2-1-2014
836-053-1180	1-1-2014	Adopt	2-1-2014	837-085-0040	1-9-2014	Amend	2-1-2014
836-053-1190	1-1-2014	Amend	2-1-2014	837-085-0090	1-9-2014	Amend	2-1-2014
836-053-1200	1-1-2014	Amend	2-1-2014	837-085-0280	1-9-2014	Amend	2-1-2014
836-053-1315	1-1-2014	Amend	2-1-2014	839-001-0440	1-1-2014	Amend	2-1-2014
836-053-1320	1-1-2014	Amend	2-1-2014	839-001-0450	1-1-2014	Amend	2-1-2014
836-053-1325	1-1-2014	Amend	2-1-2014	839-003-0005	12-30-2013	Amend	2-1-2014
836-053-1330	1-1-2014	Amend	2-1-2014	839-003-0020	12-30-2013	Amend	2-1-2014
836-053-1335	1-1-2014	Amend	2-1-2014	839-003-0031	12-30-2013	Amend	2-1-2014

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839-003-0090	12-30-2013	Amend	2-1-2014	839-010-0310	12-30-2013	Adopt	2-1-2014
839-003-0100	12-30-2013	Amend	2-1-2014	839-015-0155	1-21-2014	Amend(T)	3-1-2014
839-003-0235	12-30-2013	Amend	2-1-2014	839-019-0004	1-1-2014	Amend	2-1-2014
839-003-0245	12-30-2013	Amend	2-1-2014	839-019-0010	1-1-2014	Amend	2-1-2014
839-005-0003	12-30-2013	Amend	2-1-2014	839-019-0100	1-1-2014	Amend	2-1-2014
839-005-0011	12-30-2013	Amend	2-1-2014	839-020-0004	1-1-2014	Amend	2-1-2014
839-005-0030	12-30-2013	Amend	2-1-2014	839-020-0025	1-1-2014	Amend	2-1-2014
839-005-0060	12-30-2013	Amend	2-1-2014	839-020-0040	1-1-2014	Amend	2-1-2014
839-005-0065	12-30-2013	Amend	2-1-2014	839-020-0050	1-1-2014	Amend	2-1-2014
839-005-0070	12-30-2013	Amend	2-1-2014	839-020-0070	1-1-2014	Amend	2-1-2014
839-005-0075	12-30-2013	Amend	2-1-2014	839-020-1010	1-1-2014	Amend	2-1-2014
839-005-0080	12-30-2013	Amend	2-1-2014	839-021-0006	1-1-2014	Amend	2-1-2014
839-005-0085	12-30-2013	Amend	2-1-2014	839-021-0067	1-1-2014	Amend	2-1-2014
839-005-0160	12-30-2013	Amend	2-1-2014	839-021-0070	1-1-2014	Amend	2-1-2014
839-005-0170	12-30-2013	Amend	2-1-2014	839-021-0072	1-1-2014	Amend	2-1-2014
839-005-0200	12-30-2013	Amend	2-1-2014	839-021-0087	1-1-2014	Amend	2-1-2014
839-005-0206	12-30-2013	Amend	2-1-2014	839-021-0097	1-1-2014	Amend	2-1-2014
839-005-0300	12-30-2013	Adopt	2-1-2014	839-021-0102	1-1-2014	Amend	2-1-2014
839-005-0305	12-30-2013	Adopt	2-1-2014	839-021-0104	1-1-2014	Amend	2-1-2014
839-005-0310	12-30-2013	Adopt	2-1-2014	839-021-0175	1-1-2014	Amend	2-1-2014
839-005-0315	12-30-2013	Adopt	2-1-2014	839-021-0220	1-1-2014	Amend	2-1-2014
839-005-0320	12-30-2013	Adopt	2-1-2014	839-021-0221	1-1-2014	Amend	2-1-2014
839-005-0325	12-30-2013	Adopt	2-1-2014	839-021-0246	1-1-2014	Amend	2-1-2014
839-005-0400	12-30-2013	Adopt	2-1-2014	839-021-0248	1-1-2014	Amend	2-1-2014
839-006-0205	12-30-2013	Amend	2-1-2014	839-021-0255	1-1-2014	Amend	2-1-2014
839-006-0212	12-30-2013	Amend	2-1-2014	839-021-0265	1-1-2014	Amend	2-1-2014
839-006-0270	12-30-2013	Amend	2-1-2014	839-021-0280	1-1-2014	Amend	2-1-2014
839-006-0290	12-30-2013	Amend	2-1-2014	839-021-0290	1-1-2014	Amend	2-1-2014
839-006-0291	12-30-2013	Adopt	2-1-2014	839-021-0292	1-1-2014	Amend	2-1-2014
839-006-0292	12-30-2013	Adopt	2-1-2014	839-021-0294	1-1-2014	Amend	2-1-2014
839-006-0295	12-30-2013	Amend	2-1-2014	839-021-0297	1-1-2014	Amend	2-1-2014
839-006-0305	12-30-2013	Amend	2-1-2014	839-021-0315	1-1-2014	Amend	2-1-2014
839-006-0307	12-30-2013	Am. & Ren.	2-1-2014	839-021-0320	1-1-2014	Amend	2-1-2014
839-006-0332	12-30-2013	Renumber	2-1-2014	839-021-0325	1-1-2014	Amend	2-1-2014
839-006-0345	12-30-2013	Adopt	2-1-2014	839-021-0330	1-1-2014	Amend	2-1-2014
839-006-0450	12-16-2013	Amend(T)	1-1-2014	839-021-0335	1-1-2014	Amend	2-1-2014
839-006-0450	2-19-2014	Amend(T)	4-1-2014	839-021-0340	1-1-2014	Amend	2-1-2014
839-006-0450(T)	2-19-2014	Suspend	4-1-2014	839-021-0345	1-1-2014	Amend	2-1-2014
839-009-0210	12-31-2013	Amend	2-1-2014	839-021-0350	1-1-2014	Amend	2-1-2014
839-009-0230	12-31-2013	Amend	2-1-2014	839-021-0355	1-1-2014	Amend	2-1-2014
839-009-0240	12-31-2013	Amend	2-1-2014	839-021-0360	1-1-2014	Amend	2-1-2014
839-009-0250	12-31-2013	Amend	2-1-2014	839-021-0365	1-1-2014	Amend	2-1-2014
839-009-0270	12-31-2013	Amend	2-1-2014	839-021-0370	1-1-2014	Amend	2-1-2014
839-009-0280	12-31-2013	Amend	2-1-2014	839-021-0490	1-1-2014	Amend	2-1-2014
839-009-0325	12-31-2013	Amend	2-1-2014	839-022-0000	1-1-2014	Repeal	2-1-2014
839-009-0330	12-31-2013	Amend	2-1-2014	839-022-0010	1-1-2014	Repeal	2-1-2014
839-009-0340	12-31-2013	Amend	2-1-2014	839-022-0100	1-1-2014	Repeal	2-1-2014
839-009-0345	12-31-2013	Amend	2-1-2014	839-022-0105	1-1-2014	Repeal	2-1-2014
839-009-0362	12-31-2013	Amend	2-1-2014	839-022-0110	1-1-2014	Repeal	2-1-2014
839-009-0363	12-31-2013	Amend	2-1-2014	839-022-0115	1-1-2014	Repeal	2-1-2014
839-009-0380	12-31-2013	Amend	2-1-2014	839-022-0120	1-1-2014	Repeal	2-1-2014
839-009-0390	12-31-2013	Amend	2-1-2014	839-022-0125	1-1-2014	Repeal	2-1-2014
839-009-0430	12-31-2013	Amend	2-1-2014	839-022-0130	1-1-2014	Repeal	2-1-2014
839-010-0000	12-30-2013	Amend	2-1-2014	839-022-0135	1-1-2014	Repeal	2-1-2014
839-010-0300	12-30-2013	Adopt	2-1-2014	839-022-0140	1-1-2014	Repeal	2-1-2014
839-010-0305	12-30-2013	Adopt	2-1-2014	839-022-0145	1-1-2014	Repeal	2-1-2014

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839-022-0150	1-1-2014	Repeal	2-1-2014	848-035-0040	4-1-2014	Amend	4-1-2014
839-022-0155	1-1-2014	Repeal	2-1-2014	848-040-0105	1-1-2014	Amend	1-1-2014
839-022-0160	1-1-2014	Repeal	2-1-2014	848-040-0110	1-1-2014	Amend	1-1-2014
839-022-0165	1-1-2014	Repeal	2-1-2014	848-040-0117	1-1-2014	Amend	1-1-2014
839-025-0004	1-1-2014	Amend	2-1-2014	848-040-0147	1-1-2014	Amend	1-1-2014
839-025-0010	1-1-2014	Amend	2-1-2014	848-040-0150	1-1-2014	Amend	1-1-2014
839-025-0013	1-1-2014	Amend	2-1-2014	848-045-0010	1-1-2014	Amend	1-1-2014
839-025-0020	1-1-2014	Amend	2-1-2014	851-021-0005	1-1-2014	Amend	1-1-2014
839-025-0035	1-1-2014	Amend	2-1-2014	851-021-0010	1-1-2014	Amend	1-1-2014
839-025-0043	1-1-2014	Amend	2-1-2014	851-021-0025	1-1-2014	Amend	1-1-2014
839-025-0085	1-1-2014	Amend	2-1-2014	851-021-0050	1-1-2014	Amend	1-1-2014
839-025-0090	1-1-2014	Amend	2-1-2014	851-021-0120	1-1-2014	Amend	1-1-2014
839-025-0095	1-1-2014	Amend	2-1-2014	851-050-0000	1-1-2014	Amend	1-1-2014
839-025-0230	1-1-2014	Amend	2-1-2014	851-050-0001	1-1-2014	Amend	1-1-2014
839-025-0530	1-1-2014	Amend	2-1-2014	851-050-0002	1-1-2014	Amend	1-1-2014
839-025-0700	1-1-2014	Amend	2-1-2014	851-054-0010	1-1-2014	Amend	1-1-2014
845-004-0001	1-1-2014	Amend	1-1-2014	851-054-0020	1-1-2014	Amend	1-1-2014
845-005-0311	1-1-2014	Amend	1-1-2014	851-054-0021	1-1-2014	Amend	1-1-2014
845-005-0431	3-1-2014	Amend	3-1-2014	851-054-0030	1-1-2014	Adopt	1-1-2014
845-005-0440	3-1-2014	Amend	3-1-2014	851-054-0035	1-1-2014	Adopt	1-1-2014
845-006-0335	1-1-2014	Amend	1-1-2014	851-054-0040	1-1-2014	Amend	1-1-2014
845-006-0392	1-1-2014	Amend	1-1-2014	851-056-0020	1-1-2014	Amend	1-1-2014
845-006-0396	1-1-2014	Amend	1-1-2014	851-056-0022	1-1-2014	Amend	1-1-2014
845-006-0452	3-1-2014	Amend	3-1-2014	851-061-0020	1-1-2014	Amend	1-1-2014
845-013-0001	1-1-2014	Amend	1-1-2014	851-061-0030	1-1-2014	Amend	1-1-2014
847-001-0024	1-14-2014	Adopt	2-1-2014	851-061-0080	1-1-2014	Amend	1-1-2014
847-008-0070	1-14-2014	Amend	2-1-2014	851-061-0090	1-1-2014	Amend	1-1-2014
847-010-0053	1-14-2014	Repeal	2-1-2014	851-062-0010	1-1-2014	Amend	1-1-2014
847-010-0060	1-14-2014	Amend	2-1-2014	851-062-0050	1-1-2014	Amend	1-1-2014
847-020-0110	1-14-2014	Amend	2-1-2014	851-062-0080	1-1-2014	Amend	1-1-2014
847-050-0020	1-14-2014	Amend	2-1-2014	851-062-0130	1-1-2014	Amend	1-1-2014
847-050-0023	1-14-2014	Amend	2-1-2014	851-070-0005	4-1-2014	Amend	4-1-2014
847-050-0025	1-14-2014	Amend	2-1-2014	851-070-0040	4-1-2014	Amend	4-1-2014
847-050-0026	1-14-2014	Repeal	2-1-2014	851-070-0080	4-1-2014	Amend	4-1-2014
847-070-0019	1-14-2014	Amend	2-1-2014	851-070-0090	4-1-2014	Amend	4-1-2014
847-070-0036	1-14-2014	Repeal	2-1-2014	851-070-0100	4-1-2014	Amend	4-1-2014
847-070-0037	1-14-2014	Amend	2-1-2014	852-010-0080	1-3-2014	Amend	2-1-2014
847-080-0002	1-14-2014	Amend	2-1-2014	852-050-0005	1-3-2014	Amend	2-1-2014
848-001-0005	1-1-2014	Amend	1-1-2014	852-050-0016	1-3-2014	Amend	2-1-2014
848-005-0020	1-1-2014	Amend	1-1-2014	855-007-0080	1-24-2014	Amend	3-1-2014
848-005-0030	1-1-2014	Amend	1-1-2014	855-011-0020	1-24-2014	Amend	3-1-2014
848-010-0010	1-1-2014	Amend	1-1-2014	855-019-0150	2-28-2014	Amend(T)	4-1-2014
848-010-0015	1-1-2014	Amend	1-1-2014	855-019-0205	1-24-2014	Amend	3-1-2014
848-010-0020	1-1-2014	Amend	1-1-2014	855-019-0270	1-24-2014	Amend	3-1-2014
848-010-0026	1-1-2014	Amend	1-1-2014	855-019-0280	1-24-2014	Amend	3-1-2014
848-010-0033	1-1-2014	Amend	1-1-2014	855-041-1001	1-24-2014	Adopt	3-1-2014
848-010-0035	1-1-2014	Amend	1-1-2014	855-041-1030	1-24-2014	Amend	3-1-2014
848-010-0044	1-1-2014	Amend	1-1-2014	855-041-1105	1-24-2014	Amend	3-1-2014
848-015-0030	1-1-2014	Amend	1-1-2014	855-041-2300	1-24-2014	Adopt	3-1-2014
848-020-0000	1-1-2014	Amend	1-1-2014	855-041-2300(T)	1-24-2014	Repeal	3-1-2014
848-020-0060	1-1-2014	Amend	1-1-2014	855-041-2310	1-24-2014	Adopt	3-1-2014
848-035-0010	4-1-2014	Amend	4-1-2014	855-041-2310(T)	1-24-2014	Repeal	3-1-2014
848-035-0015	4-1-2014	Amend	4-1-2014	855-041-2320	1-24-2014	Adopt	3-1-2014
848-035-0020	4-1-2014	Amend	4-1-2014	855-041-2320(T)	1-24-2014	Repeal	3-1-2014
848-035-0030	4-1-2014	Amend	4-1-2014	855-041-2330	1-24-2014	Adopt	3-1-2014
848-035-0035	4-1-2014	Amend	4-1-2014	855-041-2330(T)	1-24-2014	Repeal	3-1-2014

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855-080-0021	12-20-2013	Amend(T)	2-1-2014	860-033-0007	12-20-2013	Amend	2-1-2014
855-080-0021	2-28-2014	Amend(T)	4-1-2014	860-033-0007(T)	12-20-2013	Repeal	2-1-2014
855-110-0005	1-3-2014	Amend	2-1-2014	860-033-0010	12-20-2013	Amend	2-1-2014
855-110-0007	1-3-2014	Amend	2-1-2014	860-033-0010(T)	12-20-2013	Repeal	2-1-2014
856-010-0003	1-23-2014	Amend	3-1-2014	860-033-0030	12-20-2013	Amend	2-1-2014
856-010-0006	1-23-2014	Adopt	3-1-2014	860-033-0030(T)	12-20-2013	Repeal	2-1-2014
859-200-0005	3-5-2014	Adopt	4-1-2014	860-033-0035	12-20-2013	Amend	2-1-2014
859-200-0010	3-5-2014	Adopt	4-1-2014	860-033-0035(T)	12-20-2013	Repeal	2-1-2014
859-200-0015	3-5-2014	Adopt	4-1-2014	860-033-0040	12-20-2013	Amend	2-1-2014
859-200-0020	3-5-2014	Adopt	4-1-2014	860-033-0040(T)	12-20-2013	Repeal	2-1-2014
859-200-0025	3-5-2014	Adopt	4-1-2014	860-033-0045	12-20-2013	Amend	2-1-2014
859-200-0030	3-5-2014	Adopt	4-1-2014	860-033-0045(T)	12-20-2013	Repeal	2-1-2014
859-200-0035	3-5-2014	Adopt	4-1-2014	860-033-0046	12-20-2013	Amend	2-1-2014
859-200-0040	3-5-2014	Adopt	4-1-2014	860-033-0046(T)	12-20-2013	Repeal	2-1-2014
859-200-0045	3-5-2014	Adopt	4-1-2014	860-033-0050	12-20-2013	Amend	2-1-2014
859-200-0050	3-5-2014	Adopt	4-1-2014	860-033-0050(T)	12-20-2013	Repeal	2-1-2014
859-200-0055	3-5-2014	Adopt	4-1-2014	860-033-0055	12-20-2013	Repeal	2-1-2014
859-200-0060	3-5-2014	Adopt	4-1-2014	860-033-0100	12-20-2013	Amend	2-1-2014
859-200-0065	3-5-2014	Adopt	4-1-2014	860-033-0100(T)	12-20-2013	Repeal	2-1-2014
859-200-0070	3-5-2014	Adopt	4-1-2014	860-033-0110	12-20-2013	Adopt	2-1-2014
859-200-0075	3-5-2014	Adopt	4-1-2014	860-033-0110(T)	12-20-2013	Repeal	2-1-2014
859-200-0080	3-5-2014	Adopt	4-1-2014	860-033-0530	12-20-2013	Amend	2-1-2014
859-200-0085	3-5-2014	Adopt	4-1-2014	860-033-0530(T)	12-20-2013	Repeal	2-1-2014
859-200-0090	3-5-2014	Adopt	4-1-2014	860-033-0535	12-20-2013	Amend	2-1-2014
859-200-0095	3-5-2014	Adopt	4-1-2014	860-033-0535(T)	12-20-2013	Repeal	2-1-2014
859-200-0100	3-5-2014	Adopt	4-1-2014	860-033-0536	12-20-2013	Amend	2-1-2014
859-200-0105	3-5-2014	Adopt	4-1-2014	860-033-0536(T)	12-20-2013	Repeal	2-1-2014
859-200-0110	3-5-2014	Adopt	4-1-2014	860-033-0537	12-20-2013	Amend	2-1-2014
859-200-0115	3-5-2014	Adopt	4-1-2014	860-033-0537(T)	12-20-2013	Repeal	2-1-2014
859-200-0120	3-5-2014	Adopt	4-1-2014	860-033-0540	12-20-2013	Amend	2-1-2014
859-200-0125	3-5-2014	Adopt	4-1-2014	860-033-0540(T)	12-20-2013	Repeal	2-1-2014
859-200-0130	3-5-2014	Adopt	4-1-2014	860-034-0390	1-22-2014	Amend	3-1-2014
859-200-0135	3-5-2014	Adopt	4-1-2014	860-038-0005	3-7-2014	Amend	4-1-2014
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859-200-0145	3-5-2014	Adopt	4-1-2014	875-005-0005	1-17-2014	Amend	3-1-2014
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